



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

December 20, 2024

Lake

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,

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Lake



Lake County Courthouse

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Chapter I - Administration

Building Permits

Private Acts of 1974 Chapter 370

SECTION 1. Any person building a new building or structure or making alterations to an existing structure in Lake County shall be required to obtain a building permit before beginning such construction or building. Any person who fails to obtain such permit within thirty (30) days after the beginning of building or construction shall be guilty of a misdemeanor and shall be fined ten dollars (\$10).

SECTION 2. It shall be the duty of the Tax assessor of Lake County to issue such permits in accordance with the provisions of Title 53, Chapter 25, Tennessee Code Annotated. There shall be no charge for the issuance of permits.

SECTION 3. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Lake County before July 31, 1974. Its approval or nonapproval shall be proclaimed by the presiding officer of the quarterly county court and certified by him to the Secretary of State.

SECTION 4. 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 25, 1974.

County Mayor (County Judge)

Private Acts of 1967 Chapter 228

COMPILER'S NOTE: Parts of this act may have been superseded by general law.

SECTION 1. The office of County Judge in Lake County is created and established as of January 1, 1968, and the office of Chairman of the County Court is abolished as of that date. The Judge of said Court shall be a bona fide citizen of said County, of good moral character, well versed in business affairs, at least thirty (30) years of age, and learned in the law, but he is not required to be a licensed or practicing attorney.

SECTION 2. The office of County Judge shall be filled by appointment of the Governor of Tennessee and said appointed Judge shall serve from January 1, 1968, until September 1, 1968, or until his successor has been duly elected and qualified. At the general election for county officers in Lake County on the first Thursday of August, 1968, a judge shall be chosen to serve in said office for a period of six (6) years, beginning September 1, 1968, and ending September 1, 1974, or until his successor has been duly elected and qualified. Subsequent terms for the Judge of said office shall be for a period of eight (8) years. The salary for said Judge shall be six thousand dollars (\$6,000) a year, payable in equal monthly installments out of the general fund of the county.

SECTION 3. The Judge of said office shall have the same duties, authorities, powers, and jurisdictions as set out in the general law of this State for County Judges and county fiscal officers, and shall have the same authority as circuit court judges or chancellors to grant fiats for writs of injunction, attachments, and other extraordinary process.

As amended by: Private Acts of 1978, Chapter 238

SECTION 4. The oath of office shall be the same as that required of Circuit Judges and Chancellors and shall be filed upon the minutes of the County Court Clerk of said County. In the event of a vacancy in said office, it shall be filled by the Quarterly County Court of said County until the next regular election at which time a successor shall be elected by a majority of the qualified voters of said County to fill out the unexpired term or for a complete term as the case may be.

SECTION 5. This Act shall have no effect unless it is approved by a majority of voters voting in an election to be held for the purpose of approving or rejecting it. Within thirty (30) days after this Act becomes a law, the Lake County Election Commissioners shall call an election for the County, to be held not less than forty-five (45) days nor more than sixty (60) days from the date of the call. The ballots used in the election shall have printed on them sufficient language to identify this Act and voters shall vote for or against its adoption. The votes cast in the election shall be canvassed by the County Election Commissioners on the first Monday occurring five (5) or more days next after the date of the election. The

results of the election shall be proclaimed by the Election Commissioners and certified to the Secretary of State. The qualifications of voters shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the election. The cost of the election shall be paid by the County.

SECTION 6. This Act shall take effect on becoming a law, the public welfare requiring it.

Passed: May 23, 1967.

Port Authority

Private Acts of 1980 Chapter 297

SECTION 1. In order to facilitate transportation in Lake County, and to promote the navigation on the Mississippi River which borders Lake County, and to facilitate the movement and transfer of people, goods and merchandise, to, from, at and through the county of Lake, and to fully utilize the natural resources of Lake County, so that the same may be shipped and transported, and to provide for internal improvement in the development of the resources of Lake County and the state of Tennessee, and to promote the happiness and prosperity of the citizens, there is hereby established in Lake County, Tennessee, a Port Authority, to be known as "The Port Authority of Lake 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, truck 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 such Port Authority, to be constructed and conducted as provided for in this Act.

SECTION 2. 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. The Port Authority shall consist of the Port Authority Commissioners, also known as The Board of Commissioners of the Port Authority, who shall be five (5) in number, and such subordinate officers and employees as may be selected by such Port Authority Commissioners, as hereinafter provided.

SECTION 4. The 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 limits of Lake County and the state of Tennessee, or on the Mississippi River in any other state or partly within any other state, the port 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 of Lake 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 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 Lake County, which, in the judgement 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 judgement of the 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 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 the 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 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 Port Authority Commissioner may deem proper, for the orderly administration of The Port Authority, and 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. 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. The Port Authority is hereby authorized and empowered to condemn on behalf of and in the name of Lake County, Tennessee, any land, easements or rights of way, that, in the opinion of The Port Authority 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 Lake County, and the property shall thereafter be entrusted to The Port Authority, as the agent of Lake County, to accomplish the purpose of this Act. Such condemnation proceedings shall be pursuant to and in accordance with Section 23-1401 [29-16-101] through 23-1525 [29-17-713], 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. 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 Lake, 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. Neither Lake County, The Port Authority nor the Port Authority Commissioners, shall be required to obtain any certificate of convenience or necessity, franchise, license, permit or 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. 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. The initial members of the Board of Commissioners of The Port Authority, shall be elected by the county legislative body of Lake County for terms of five (5) years or until their successors are duly elected and qualified. The county legislative body at the expiration of the term of The Port Authority Commissioners, shall elect their successors from among seven (7) nominees for the office, whose names shall be submitted to such legislative body by the Board of Commissioners of The Port Authority, and whose names shall be filed with the county clerk not less than thirty (30) days prior to the expiration of the term of the Board of Commissioners; provided, however, that the county legislative body by a three-fourths (3/4) vote of all the members of such legislative body may elect a successor Board of Commissioners not nominated by the Board of Commissioners of The Port Authority.

In the event of the death or resignation of a Port Authority Commissioner prior to the expiration of his term, his successor shall be elected for the unexpired term by the county legislative body from among seven (7) nominees for the office, whose names shall be submitted to the county legislative body of Lake County by the remaining Port Authority Commissioners not less than thirty (30) days prior to the meeting

of such legislative body and such successor Port Authority Commissioner shall be elected from the unexpired term of the deceased or retiring Port Authority Commissioner. All Port Authority Commissioners shall be eligible for re-election. Before entering upon their duties, all Port Authority 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 clerk.

A majority of the Port Authority Commissioners shall constitute a quorum and such 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 (30) days after this Act becomes effective, The Port Authority Commissioners shall hold a meeting to elect a chairman. The Port Authority Commissioners shall hold regular meetings at least once every ninety (90) 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 necessary by the commissioners.

Special meetings may be called and held upon such notice and in such manner as The Port Authority Commissioner may, by resolution, determine. Save as otherwise expressly provided, the Port Authority Commissioners shall establish their own rules of procedure. The Port Authority 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 of 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 Port Authority, at all reasonable times.

The Port Authority 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 commissioners shall specify, by resolution. Such bond shall be filed with the county clerk and registered in the Register's Office, as required of county officers.

The Port Authority 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 Port Authority 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 Port Authority, as may be provided and approved by the board, payable from the funds of The Port Authority, or such funds as may be appropriated by the county legislative body. The members of the Board of Commissioners shall be paid such amount for attendance at board meetings as may be fixed by resolution of the county legislative body.

SECTION 11. 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. 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 Port Authority, at the will and pleasure of The Port Authority Commissioners.

SECTION 13. Lake County 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. Lake County 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 (40) 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 legislative body.

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 the county legislative body may determine, but the interest cost to maturity of the bonds, when issued for property (at the value determined by the county legislative body, which determination shall be conclusive,) or the money received for any issue of such 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 county legislative body may determine, in the resolution authorizing such bonds, may be issued to the purchaser or purchasers of bonds sold pursuant to this Act. Said bonds and interim receipts of 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 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 Lake County, 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 legislative body to provide, by resolution, for the issuance of such bonds, as requested by The Port Authority Commissioners.

Prior to a vote by the county legislative body authorizing the issuance of bonds to be financed wholly or in part through tax levies by such county legislative body, The Port Authority Commissioners shall prepare and submit to such county legislative body 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 Lake County, 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 county legislative body to levy a tax each year, over and above the taxes levied for general county purposes, to pay the interest and principal of such 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 such bonds or a part thereof, as they may severally mature, then a special levy for the full payment of such interest and principal shall not be required, but the county legislative body 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. The bonds shall be sold at public or private sale, and in such manner as may be determined by resolution of the county legislative body authorizing their issuance and such 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. 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 legislative body 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 Lake County 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 terms, from 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; 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 limit 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 specific 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. 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 Lake County, the county legislative body, 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 county legislative body, The Port Authority, The Port Authority Commissioner and any proper officer, agent or employee of any of them, to assess, levy and collect taxes, and to fix and collect taxes and charges adequate to carry out any agreements as to, or pledge of taxes or Authority revenues, and to further require Lake County, the county legislative body, 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.

SECTION 16. The county legislative body of Lake County 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 Lake County, 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 legislative body 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 Lake County and the holders of bonds of such issue.

SECTION 17. 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 such 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 Lake County, not otherwise appropriated or from any other fund available, as may be provided by the county legislative body.

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. The county legislative body is authorized to appropriate to The Port Authority from the general funds of Lake County, 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 such county legislative body 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. All monies derived from the issuance of bonds hereunder, together with any federal or other grant or loan made, for the purpose 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 Port Authority Commissioners, a certified copy of which shall be filed in the office of the treasurer.

SECTION 20. 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 the 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 funds 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 the act. None of such revenue shall go to the general funds of Lake County, except as may be directed by The Port Authority Commissioners.

SECTION 21. 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 Port Authority Commissioners, but no contract or acquisition by purchase, of equipment, apparatus, materials or supplies, involving more than five hundred dollars (\$500), or for construction, installation, repair or improvement of the property or facilities, under the jurisdiction of The Port Authority Commissioners, involving more than one thousand dollars (\$1,000) shall be made except after such contract has been advertised for bids, provided that advertisement shall not be required when:

- (1) An emergency required immediate delivery 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 businessmen.

In comparing bids and in making awards, The Port Authority 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 repair and maintenance service, the time of delivery, or performance offered, and whether the bidder has complied with the specifications.

In the employment of architects, engineers and attorneys, or other professional advisors for personal service, no advertisement or bids shall be required, but The Port Authority Commissioners may employ or select such architects, engineers, attorneys, or professional consultants and advisors, as in the judgement of such commissioners best meet the qualifications for rendering such services.

After advertisement for bids, as provided for in this section, if no acceptable bid is received, The Port Authority Commissioners may reject any and all bids, or such 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 such commissioners may construct such facilities, by "Force Account Construction," that is, such 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. 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. The county legislative body 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 such county legislative body. 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 the Authority, when, in the judgement of said Port Authority Commissioners, it is advantageous to or necessary, for the efficient operation of the Authority, to dispose of the same, or when such personal property is being replaced by new or more efficient property of like character, or when such personal property is no longer necessary for the operation of the Authority.

SECTION 24. 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. 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. 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 Lake County, and to improve the access of Lake County to all channels of commerce, and to encourage the industrial development and growth of Lake County, and the use of the natural resources of Lake County, including the navigation of the Mississippi River.

SECTION 27. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Lake County before September 6, 1980. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Lake County and certified by him to the Secretary of State.

SECTION 28. 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 27.

Passed: April 16, 1980.

Administration - Historical Notes

Budget System

The following act once created a budgeting system for Lake County, but has been specifically repealed or superseded by current law. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1929, Chapter 630, created a county Finance and Budget Commission, composed of three members to make a thorough investigation of each department or branch of county government. This act was repealed in full by Private Acts of 1977, Chapter 157.

County Clerk

The following act once affected the office of county clerk in Lake County. It is included herein for historical purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1982, Chapter 373, granted all powers over probate of wills and administration of estates to the County Clerk instead of the Clerk and Master. This act was repealed by Private Acts of 1983, Chapter 115.

County Legislative Body

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

1. Private Acts of 1929, Chapter 334, made the Justice of the Peace in Lake County eligible to serve on the county Board of Education. Private Acts of 1929, Chapter 334, was declared unconstitutional in Algee v. State (1956), 200 Tenn. 127, 290 S.W.2d 869, because a private act attempted to suspend the application of a general law of the State to one particular County by making members of the County Court and county officials eligible to serve on the Board of

Education when T.C.A. 49-209 expressly prohibited the same.

2. Private Acts of 1929, Chapter 846, increased the per diem payments to Justices of the Peace for their attendance at meetings of the Quarterly County Court from \$1.50 to \$3.00 together with the present mileage rate.
3. Private Acts of 1970, Chapter 234, amended Private Acts of 1929, Chapter 846, by raising the per diem rate for Justices from \$3.00 to \$15.00. This Act was properly ratified by the Quarterly County Court.

General Reference

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

1. Public Acts of 1915, Chapter 53, amended Public Acts of 1909, Chapter 185, the General Levee and Drainage Law by limiting dredging when done by dredge boats. The terms of that 1909 law were not intended to apply to Reelfoot Lake or the Big Hatchie River although it was permissible to excavate as far north as the "Three Bridges" in the 5th Civil District of Obion County and the 4th Civil District of Lake County.
2. Public Acts of 1977, Chapter 489, amended Section 6-2614, Tennessee Code Annotated, so that a method was provided by which a member of the Board of Directors of a water utility district could be removed, or ousted. The Act applied only to water utility districts and the remedy was initiated by petition of the County Judge and moved over various steps to being approved by the customers of the utility in a referendum. Several counties, including Lake County removed themselves from the application of the act.
3. Private Acts of 1992, Chapter 183, would have required real property owners to make application for building permits to the assessor of property for certain construction and remodeling with a value of or costs \$1,000 or more. This act never received local approval.

Chapter II - Animals and Fish

Animals and Fish - Historical Notes

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Lake County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1875, Chapter 17, established closed seasons on deer from February 1 to September 1, on song-birds during the same time, on wild turkey-hens from March 1 to October 1, on any wild turkey from May 1 to September 1, on quail from April 15 to September 1, and also forbid the destruction of the nests or eggs of any of these birds, and the netting or trapping of wild turkeys. A schedule of fines for the violation of these provisions was set up with the money going into the school fund.
2. Private Acts of 1877, Chapter 38, repealed specifically Acts of 1875, Chapter 17, above.
3. Private Acts of 1877, Chapter 145, made it unlawful for any person other than citizens of Obion and Lake Counties to hunt, fish, or kill fowls on Reelfoot Lake for profit, but all citizens could do so when it was for their use and benefit. Fines ranged from \$5.00 to \$100.00 for second and all subsequent violations, one-half to go to the County Trustee and one-half to the person suing for it.
4. Acts of 1903, Chapter 169, may have been the first statewide act regulating game and fish.
5. Acts of 1907, Chapter 185, was a statewide law for game and fish establishing some regulations for licenses, for Game Wardens and their authority to enforce the laws, setting open seasons for quail and deer, and also for squirrels by naming each county. The open season on squirrels in Lake County was from June 1 to March 1. This Act amends and repeals several public and private acts which relate to both counties and the Department of Game, Fish, and Forestry.
6. Private Acts of 1909, Chapter 284, prohibited under penalty of fines ranging from \$5.00 to \$25.00 the running at large of hogs in Lake County. The Sheriff must impound these animals where he has knowledge of the trespass, or when he is notified by the damaged person. The Sheriff may sell the animals under certain conditions to the highest bidder. After deducting his fee of 25 cents per head per day's keeping, and the damages being paid, the remainder of the sale's proceeds would be paid over to the owner. The owner of the hogs could also redeem them at any time before the sale upon payment of the expenses to that date. (The state law on hogs, Chapter 15 of

Title 44, has been repealed, and, unless they are included in the term, livestock there is no specific law on this subject at the state level.)

7. Private Acts of 1909, Chapter 502, established a fence law for Lake County allowing the owner of crops or land trespassed upon by another's animals to obtain a lien on the animal(s) committing such trespass. Private Acts of 1977, Chapter 135, made this act inapplicable to Lake County.
8. Private Acts of 1917, Chapter 818, amended Private Acts of 1909, Chapter 284, above, by striking Section 7, and setting a new per diem rate for keeping stray hogs at fifty cents per head for the first day or fraction and Twenty-five cents a head per day thereafter.
9. Private Acts of 1919, Chapter 89, authorized the holding of a referendum in Lake County to ascertain the will of a majority of the voters regarding a stock law for the county. The election would take place on February 15 and the results would be certified to the Legislature by the Election Commission. The ballot would have "For Stock Law," and "Against Stock Law."
10. Private Acts of 1921, Chapter 295, was also enacted to permit a referendum on the question of a stock law under the same conditions as before except a five day limitation was placed upon the certification of the election to the General Assembly by the County Election Commission.
11. Private Acts of 1923, Chapter 359, made it unlawful for the owner as the custodian of livestock, horses, mules, jacks, jennets, cattle, hogs, sheep, and goats to permit them to run at large. The fines for violation ranged from \$5.00 to \$25.00 and each day of running at large would constitute a separate offense. The Sheriff could take up and impound the animals but the owner or custodian could redeem them upon payment of damages, else the Sheriff would advertise and sell to the highest bidder. The officers fee was 50 cents per day for hogs, and \$1.00 a day for the rest of the aforementioned animals. The proceeds of any sale would be distributed as set out previously, to the Sheriff, to the damaged person, and then the balance to the owner, if any. The damaged person was also given a lien against the stock and the owner was made liable in civil suits for trespass. This act was repealed by Private Acts of 1925, Chapter 435.
12. Private Acts of 1923, Chapter 527, amended Private Acts of 1923, Chapter 359, by making the requirements of that law inapplicable to the Sixth Civil District of Lake County.
13. Private Acts of 1925, Chapter 435, expressly repealed Private Acts of 1923, Chapter 359, and its amending act, Private Acts of 1923, Chapter 527.
14. Private Acts of 1949, Chapter 855, prohibited the taking of fish in Lake County other than in Reelfoot Lake and the Mississippi River by means other than by the use of hook and line. This act was repealed in full by Private Acts of 1977, Chapter 156.

Chapter III - Bond Issues

Bond Issues - Historical Notes

listing of the acts which authorized various bond issues for Lake County is included below for reference purposes, although these acts are no longer current.

Courthouse

1. Private Acts of 1935, Chapter 607, authorized the Quarterly County Court of Lake County to issue \$65,000 in bonds at an interest rate not to exceed 6%, and on a maturity schedule of 30 years, to pay the cost of constructing and equipping a Court House in Tiptonville, or repairing the County House Jail, and schools. The details of the bonds could be fixed by Resolution of the Court and the tax levy could be altered to provide for repayment of these bonds which were also repayment of these bonds and declared to be free from taxes. The Court could sell the bonds in whole or in part up to that amount.

Debts

1. Private Acts of 1909, Chapter 161, permitted the Quarterly County Court to issue \$100,000 in 5% bonds, at maturity schedules which would be determined by the Court to refund a like amount of 6% bonds issued under the authority of Acts of 1899, Chapter 318, for levees. The details of the issue were fixed, the tax levy requirement made provisions for records to be kept and the stipulation that the bonds would be exchanged dollar for dollar.
2. Private Acts of 1941, Chapter 66, allowed the Quarterly County Court upon their own vote to issue \$12,000 in 6%, 30 year bonds to pay off the debts which may be due, owing, and unpaid by Lake County except the funds would not be used to pay bonded indebtedness. The Trustee would keep all records of the transactions.

3. Private Acts of 1955, Chapter 14, validated all prior proceedings by the Quarterly County Court in connection with the issuance of \$26,000 of Funding Bonds, dated January 1, 1955, with interest at 2¼%, and maturing from 1956 through 1960, to be used to pay debts of the County. The details of the issue and the required tax levy were in the Act which was concurred in by the County Court as demanded by the Home Rule Amendment to the State Constitution.

Levees

1. Acts of 1899, Chapter 313, authorized, subject to a referendum vote, the County Court of Lake County, through the County Judge or Chairman, to issue \$50,000 in 6%, 50 year bonds to erect levees, one on the west side of Reelfoot Lake, on the Baker tract of land, the other to begin on the Highland, one-half mile south of Tiptonville and running south to the southeast corner of the Murphy tract. The County Judge would appoint three Commissioners who would take charge of the funds and build the levees after first giving bond for their performance.
2. Acts of 1899, Chapter 318, also authorized, subject to the outcome of a referendum, the County Judge to issue bonds in the amount of \$100,000 at a maximum 6% interest rate, on a 50 year maturity schedule, to build a levee commencing in the highlands of Lake County near Slough Landing, running north with or near the Mississippi River to the state line between us and Kentucky and thence east to the bluffs or hills of Obion county.

Roads

1. Private Acts of 1911, Chapter 553, required a referendum vote before authorizing the Quarterly County Court to issue \$50,000 in 6%, 50 year bonds to lay out, open, straighten, acquire rights of way for roads, with the proviso that 75% of the funds be devoted to building a good road between Tiptonville and Ridgely. Three Commissioners to be known as the "Good Roads Board" were to be appointed to do those things specified for them in the act. The Board would have a Secretary and a Chairman.
2. Private Acts of 1927, Chapter 474, was made subject to the successful outcome of a referendum before the Quarterly County Court could issue \$200,000 in 5%, 25 year bonds to build, construct, and maintain certain hard surfaced roads, as enumerated and named in the act and according to other details as set out therein. The program would be supervised by a Hard Road Commission composed of A. E. Markham, Albert Thompson, J. L. Cosner, Harry George, and C. H. Haynes. The form of the bonds is set out in the act as well as many of the administrative details and requisites.
3. Private Acts of 1929, Chapter 849, was the legislative authority for the County Court to issue \$25,000 in 6%, 20 year bonds to pay the cost of constructing certain roads in Lake County which would be named by the County Court. All the essential details were included in the law.

Schools

1. Private Acts of 1931, Chapter 252, granted the Lake County Quarterly Court the authority to borrow money on short term notes at interest not to exceed 6% which would be used to pay off and refund any and all votes heretofore issued by the various counties under Private Acts of 1929 (Ex. Sess.), Chapter 7, which permitted the payment of teacher's salaries and other operating expenses of the public school systems.
2. Private Acts of 1935, Chapter 94, permitted the issuance by the sites for, if necessary, and to erect two buildings to be used for gymnasiums and other school purposes, one at Tiptonville and one at Ridgely, plus the authority to contract with the Federal Government for any available funds.
3. Private Acts of 1935 (Extra Session), Chapter 76, amended the regular Private Acts of 1935, Chapter 94, by increasing the authority of the bond issue from \$35,000 to \$40,000, all other terms, provisions, and conditions to remain as they were.
4. Private Acts of 1941, Chapter 284, provided for a bond issue by the County Court of Lake County, after the successful outcome of a referendum, of \$150,000 at 5%, no maturity schedule mentioned, to erect and construct school buildings, to repair or improve school buildings, and to furnish and equip school buildings. This Act contained all the essential features of bond laws and also named Mrs. E. A. Peacock, J. J. Finch, P. W. Algee, Dr. W. S. Alexander, Robert Sweatt, and Mrs. J. H. Bennett to the Lake County School Commission, whose chairman would be the County Superintendent of Education, all of whom would serve until the purposes of the bond issue were done.
5. Private Acts of 1943, Chapter 40, amended Private Acts of 1941, Chapter 284, Section 4, above, by giving the commission established in the act the authority to invest funds of that bond issue, not immediately needed, in U. S. War Savings Bonds until such time as it became necessary to use them at which time they would be redeemed for cash and the same returned to the bond

fund.

6. Private Acts of 1947, Chapter 597, authorized the holding of a referendum after which, if successful, the Quarterly County Court could issue \$250,000 in 4% bonds, no maturity schedule mentioned, for expanding and improving the county school system. The same individuals whose names all mentioned above were also nominated to the same Commission here. The bonds could be issued in one block or as the money might be needed. These conditions were imposed that no part of the money would be devoted to the consolidated school at Wynnville but would be spent as equally as possible between Ridgely and Tiptonville.

Chapter IV - Boundaries

Creation of the County

Acts of 1870 Chapter 30

SECTION 1. That a new county be, and the same is hereby established out of that portion of Obion County which lies west of low water mark of Reel Foot Lake, which shall be called the County of Lake.

SECTION 2. That the County of Lake shall be bounded as follows, to-wit: Beginning at a stake at low water mark on the west bank of Reel Foot Lake, at a point where the dividing line between Kentucky and Tennessee crosses said west bank; running thence in a southern direction with the meanderings of said western bank, at low water mark, to the Dyer County line; thence west with the Dyer County line to the State line; thence with said line up the Mississippi River, in a northern direction, to an intersection with the Kentucky line; thence east with the Kentucky and Tennessee line to the beginning.

SECTION 3. That for the purpose of effecting the organization of said County of Lake, Robert C. Nall, Wyatt Moring, E. E. Westbrook, L. Donaldson, and W. J. Wynn, are hereby appointed Commissioners, who shall, before entering on the discharge of their duties, take an oath before some Justice of the Peace faithfully and impartially to discharge all the duties imposed upon them by this act, and all vacancies that may occur among said Commissioners, previous to the organization of the County Court of Lake County, shall be filled by the remaining Commissioner. A majority of said Commissioners shall constitute a Board competent to do all things herein enjoined on them, and it shall be the duty of such Board to keep a true and faithful record of all their proceedings as Commissioners, which shall be returned to the County Court of Lake County at its first session, and the same shall be entered upon the records of said court, and said Commissioners shall make as frequent reports thereafter as said Court shall require.

SECTION 4. That said Commissioners shall have power and it shall be their duty to divide said county into such number of Civil Districts as the convenience of the inhabitants thereof may require, designating the boundaries of, and the places of holding elections in said Districts, and they shall perform all other duties in relation thereto, as by the laws of the State such Commissioners are required to perform, or as may be necessary to carry out the purposes of this Act.

SECTION 5. That said Commissioners shall appoint such suitable persons as they may deem proper, to open and hold the election for county officers for Lake County, and such persons so appointed shall have power to appoint deputies, clerks and judges; and by himself and deputies to administer all necessary oaths, and do and perform all other duties now imposed upon Commissioners of Registration or Sheriffs holding similar elections, and such officers so appointed and his deputies, shall open and hold an election for county officers on the first Thursday in August, 1870, which election shall be held in each Civil District in said county, and the officers so elected, shall hold their offices until the next regular election for the different officers so elected, takes place throughout the State.

SECTION 6. That the citizens of Lake County, in all elections for Governor, members of the General Assembly, Representatives in Congress, and Electors for President and Vice- President, and Judges, shall vote with the Citizens of Obion County until the next apportionment, agreeable to the provisions of the 5th Section of the 10th Article of the amended Constitution.

SECTION 7. That for the due administration of justice, the different courts to be holden for said county of Lake shall be held in the town of Tiptonville, until the seat of justice shall be located as hereinafter provided, and all writs and other process issuing from any of said courts returnable to that place, shall be legal, and the courts for the county of Lake shall be under the rules, regulations and restrictions, and shall have, hold and exercise the same powers and jurisdiction as similar courts in other counties. Said county shall be attached to the Twelfth Judicial Circuit, and the Circuit Court thereof shall be held by the Judge of said Circuit, on the third Mondays of January, May and September in each and every year, and shall be attached to the Ninth Chancery District, and the Chancery Court shall be holden at such times as may be

here-after fixed by law. The County Court of said county of Lake shall have the powers conferred by the general law of the State upon County Courts, and meet at the times prescribed by said law.

SECTION 8. That immediately after the organization of the County Court of Lake County, or as soon thereafter as practicable, it shall be the duty of said County Court--every District in said county being represented therein--to designate, fix and establish a suitable location for the county seat of said county, and if deemed necessary by them, they may order an election to be held, to ascertain the sense of the people of Lake County upon the question as to where said county seat shall be located. Said county seat, when so fixed and established by said Court, shall never be removed except by a two-third vote of the people of the county.

SECTION 9. That all officers, civil and military, now holding office in said county, shall continue to hold their offices and exercise all the powers and functions thereof, until others are elected and qualified according to this Act, and nothing in this Act contained shall deprive the county of Obion from having, exercising and holding jurisdiction over the county of Lake, and the citizens thereof, in as full and ample manner as they now have, until the election and qualification of county officers for said Lake County takes place according to this Act; Provided, That it shall be the duty of the present Tax Collector of Obion County, to pay over to the Trustee of Lake County, when elected and qualified, that portion of the county tax of Obion County, which shall have been collected by such Tax Collector within the boundaries of said Lake County for the year 1870, and said Trustee's receipt shall be a voucher to said Tax Collector on settlement with the Trustee of Obion County.

SECTION 10. That all offenses, misdemeanors, crimes and felonies which have been committed in said county of Obion before the passage of this Act, and which before the passage of this Act, were presentable and indictable in and by the Circuit Court of said county of Obion, held and to be holden in the town of Troy, shall still be the subject of presentment, indictment, trial, conviction and judgment by and in said Circuit Court at Troy, in the same manner and to the same extent as if this Act had not been passed.

SECTION 11. That this Act take effect, the public welfare requiring it, from and after its passage.

Passed: June 9, 1870.

Change of Boundary Lines

Acts of 1893 Chapter 173

SECTION 1. That the present boundary line between the counties of Lake and Obion be so changed as to read as follows: Beginning at a point in the present boundary line of said counties, on the west bank of Broad Slough, at the commencement of what is known as the Scatters, or Main Slough, draining Reelfoot Lake, at a large double leaning willow tree, marked with maple pointers twenty feet south-west of same, and an ash and three small cypress trees fifteen feet south; thence north 28 degrees east to what is known as "Willow Bar Two-head;" thence north 31 degrees east to the head of Rag Point (an island of green cypress trees) in the lake; and thence due north to the southern point of Horse Island, intersecting again the Lake and Obion County line.

SECTION 2. That all of said portion of Reelfoot Lake, and all territory therein included west of the above described line, and cut off from Obion County, by said survey, be added to Lake County; and that this act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 10, 1893.

Acts of 1897 Chapter 176

Whereas, a commission was appointed by the county courts of the counties of Lake and Obion to survey, fix, and establish the boundary line between said counties in accordance with the constitutional provision and legislative Act creating the county of Lake, as to that part of said boundary not already fixed by an Act of the General Assembly of 1893; and,

Whereas, said commissioners, L. Donaldson, of Lake County, and S. F. Howard, of Obion County as such commissioner, did survey, mark and establish said line and report to their respective counties; now, therefore,

SECTION 1. That the following line, be and the same shall constitute the boundary line between certain portions of the Counties of Lake and Obion; Beginning at a large double leaning willow tree on the west bank of Broad Slough, it being the beginning corner of the boundary line, established by the Act of the General Assembly of the State of Tennessee of 1893; running thence in a westerly direction with the center of Dredge Ditch to a stake in the center of the "Spill-way"; thence southwardly with the center of

Free Bridges Dredge Ditch to the Dyer County line.

SECTION 2. That this Act take effect from and after its passage, the public welfare requiring it. Passed: January 22, 1897.

COMPILER'S NOTE: This Act, and Act of 1870, Chapter 30, were both part of the basis for the decision of the Supreme Court in State v. Hoffman, 210 Tenn. 686, 362 S.W.2d 231 (1962). The court held that this act determined the boundary line between Lake and Obion Counties and therefore the venue of the misdemeanor case before the court was in Lake County where the defendant, Hoffman, had been tried. And, further, that he had no standing to question the constitutionality of Chapter 173, since counties had long acquiesced in the boundary line established by this Act.

Boundaries - Historical Notes

The following is a summary of acts which authorized boundary changes for Lake County.

1. Acts of 1870, Chapter 30, established out of that portion of Obion County which lied west of low water mark of Reel Foot Lake the County of Lake.
2. Acts of 1893, Chapter 173, changed the boundary lines between Lake and Obion counties.
3. Acts of 1897, Chapter 176, changed the boundary lines in accordance with the constitutional provision and legislative Act creating the county of Lake.

Chapter V - Court System

Circuit Court

Clerk

Private Acts of 1963 Chapter 184

SECTION 1. That in all counties of this state having a population of not less than 9,570 nor more than 9,575, such county may provide for compensating an assistant to the Circuit Court Clerk as follows:

In the event the Circuit Judge of such County, under the provisions of Sections 8-2001 et seq. of the Tennessee Code Annotated, enters an order allowing an Assistant to such Clerk and fixes the amount of the salary therefor, payment to such Assistant shall be made in equal monthly installments by warrants drawn on the County Trustee and signed by the County Judge or Chairman of the County Court from surplus fees and costs turned in to the County General Fund from the Circuit Court Clerk, over and above the salary allowed him by law. Provided, however, that if such surplus funds are not sufficient to pay such Assistant the amount fixed as his salary by the Circuit Judge as above provided, the same shall be supplemented to such extent from the general funds of the County and the County Court of such County shall appropriate sufficient funds therefor.

SECTION 2. That this Act shall have no effect unless the same be approved by a twothirds (2/3) vote of the Quarterly County Court of any County to which this Act applies. The presiding officer of such body shall proclaim its approval or non-approval and certify the same 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.

General Sessions Court

Private Acts of 1987 Chapter 49

SECTION 1.

- (a). Effective September 1, 1990, the compensation of the general sessions court judge of Lake County shall either be the amount established by Tennessee Code Annotated, Section 16-15-205 for general sessions judges of counties in the same class as Lake County or the amount established in Tennessee Code Annotated, 8-24-102, for clerks and county officers of counties in the same class as Lake County, whichever amount is higher.
- (b). Effective September 1, 1990, the position of general sessions judge of Lake County shall be a

full-time position.

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 Lake County. Its approval or nonapproval shall be proclaimed by the presiding officer of such legislative body 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 on September 1, 1990.

Passed: March 26, 1987.

Court System - Historical Notes

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Lake County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1870, Chapter 32, divided the State into 12 Chancery Districts. The 11th Chancery Division was composed of Dyer, Obion, Lake, Weakley, Gibson, Etheridge, Carroll and Henry Counties.
2. Acts of 1870, Chapter 47, set the starting dates for the Chancery Court terms in the 11th Chancery Court Division and assigned the third Monday in April and October to Lake County.
3. Acts of 1870, Chapter 82, Section 5, changed the starting days for Chancery Court terms in the 11th Division again, this time setting the first Monday in January and July for Lake County's Court.
4. Acts of 1870-71 (3rd Ex. Sess.), Chapter 88, reset the days for court terms of the Chancery Courts of the 11th Division. The Lake County Chancery Court was switched to the fourth Monday in April and November for terms to start at the courthouse in Tiptonville.
5. Acts of 1872 (Ex. Sess.), Chapter 4, provided that the Chancery Court at Tiptonville would be held commencing on the fourth Monday in April and October instead of the fourth Monday in April and November, and all process was to be made returnable to those dates.
6. Acts of 1885 (Ex. Sess.), Chapter 20, was a state-wide act reorganizing the judicial structure of Tennessee. Lake County was not placed in any Chancery Division but the Act provided instead that Chancery Court would be held at the same time as Circuit Court was held in Lake County which was the second Tuesday in April, August, and December, as stated by this same law.
7. Acts of 1899, Chapter 427, created ten chancery divisions across the State. The Ninth was composed of Dyer, Obion, Lake, Weakley, Gibson, Fayette, Lauderdale, Haywood, Tipton, and Hardeman. Court started in Lake County on the first Monday in February and August.
8. Acts of 1903, Chapter 591, changed the chancery court terms for the entire Ninth Chancery Division. The terms in Lake County would begin in Tiptonville on the third Monday in April and October.
9. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, rearranged the entire judicial structure of Tennessee. Dyer, Fayette, Gibson, Haywood, Lauderdale, Obion, Tipton, Weakley, and Lake Counties composed the 9th of 14 Chancery Divisions. Court terms started in Lake County on the third Monday in April and October.
10. Public Acts of 1967, Chapter 320, amended T.C.A. 16-245 by changing all the court terms for the 9th Chancery Division. Section 2 created a new 16th Chancery Division containing Obion, Lake, and Weakley counties and provided for chancery court terms in Lake County to start on the first Monday in April and October.
11. Public Acts of 1968, Chapter 429, amended T.C.A. 16-253, as amended Public Acts of 1967, Chapter 320, above, by changing the starting dates of the court terms in Lake County to the first Monday in January, May, and September thus establishing three terms of Chancery Court instead of two.

Chancery Court - Clerk and Master

The reference list below contains acts which once applied to the clerk and master in Lake County.

1. Private Acts of 1931, Chapter 253, provided for the compensation of Chancery Court Clerk and Masters. They would receive one thousand (\$1,000) dollars annually upon filing an itemized statement, sworn to, by the County Judge or Chairman.

2. Private Acts of 1945, Chapter 572, provided for the compensation of Chancery Court deputy clerk and masters. They would receive eighty-five (\$85) dollars per month out of the General funds of the County, by a warrant drawn by the County Judge or Chairman.

Circuit Court

The following acts were once applicable to the circuit court of Lake County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Acts of 1870, Chapter 31, placed Lake County in the 12th Judicial Circuit with Benton, Henry, Weakley, Carroll, Etheridge, Obion, and the Special Court at Union City in Obion County. There were 15 Judicial Circuits in the State.
2. Acts of 1870, Chapter 46, provided that the Circuit Court of Lake County would be held on the first Monday of April, August, and December.
3. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the State into 14 Judicial Circuits. The 13th Circuit consisted of Hardeman, Fayette, Tipton, Lauderdale, Dyer, and Lake Counties. Court terms in Lake County would begin on the second Tuesday in April, August and December.
4. Acts of 1891, Chapter 153, took Lake County out of the 13th Judicial Circuit and placed it in the 12th whose Judge would also hold the Chancery Court in Lake County. Circuit Court terms at Tiptonville were scheduled to start on the second Monday in March, July and November.
5. Acts of 1899, Chapter 427, restructured the State into 14 Judicial Circuits with Obion, Lake, Dyer, Lauderdale, Tipton, Fayette, and Weakley in the 14th. Court terms would start in Lake County on the fourth Monday in January, May, and September.
6. Acts of 1905, Chapter 304, changed the schedule of court terms in the 14th Judicial Circuit assigning Lake County to the first Monday in March, July, and November.
7. Acts of 1907, Chapter 485, amended Acts of 1905, Chapter 304, by rearranging starting dates for circuit court terms in the 14th Judicial Circuit. Lake County terms would now begin on the second Monday in March, July, and November instead of the first.
8. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, revised the entire judicial structure of Tennessee. Twenty judicial circuits were created of which the 14th was composed of Lake, Obion, Benton, Dyer, and Weakley. Lake County court terms started on the second Monday in March, July, and November.
9. Public Acts of 1965, Chapter 204, amended T.C.A. 16-227 by scheduling new court times for the 14th Judicial Circuit. Lake County was moved to the second Monday in March, July, and November.
10. Public Acts of 1978, created the thirty-first judicial circuit consisting of the counties of Lake and Dyer.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Lake County Circuit Court Clerk. They were repealed, superseded, or never received local approval.

1. Acts of 1897, Chapter 124, pegged the salaries of several County offices plus the Clerks of the Supreme Court according to population. This Act deprived these officials of their fees and established the salary provided in the law as their sole compensation. In counties under 20,000 population, the Clerk and Master, the County Court Clerk, the County Trustee, and the Sheriff would be paid \$1,000 annually while the Clerks of the Criminal and Circuit Courts, and the Register would get \$800. The County would furnish the official with the paper supplies necessary to operate their offices at no expense to them. The officials would file a sworn, itemized statement showing the fees collected by them and at no time would the salary exceed the fees being collected, the excess fees being ordered turned over to the County. They could appoint deputies, if justified, who would be paid out of the fees of the office at a salary schedule written out in the bill.
2. Acts of 1903, Chapter 255, involved the salaries of Circuit Court Clerks only but was a statewide law. This law actually reduced the salary of the Clerk, the Lake County Clerk being compensated at \$500 annually instead of \$800 according to the population but, if the fees were less than the salary, the county would supply the difference, and if they exceeded the salary, the clerk could retain them.
3. Acts of 1931, Chapter 295, recited in the preamble that the State Attorney General under Public Acts of 1925, Chapter 18, was authorized and directed to enter condemnation suits in Lake and Obion Counties for Reelfoot Lake Park and many suits had been filed, thus adding to the workload

and responsibilities of the Circuit Court Clerk, wherefore the Attorney General could fix the compensation of the Clerks as he deemed right and just for these extra services the same to be considered as part of the costs of the litigation.

4. Private Acts of 1931, Chapter 345, increased the compensation of the Circuit Court Clerk of Lake County to \$720 a year payable monthly under the same terms and conditions as were written in that Act.
5. Private Acts of 1974, Chapter 378, amended Section 8-2405, Tennessee Code Annotated, by adding a provision to subsection (B), that the Circuit Court Clerk in Lake County (identified by the use of the 1970 Federal Census figures) who also served as the Clerk of the General Sessions Court and as the Clerk to the Jury Commission under the general law would be paid an annual salary as compensation for his services of not less than the maximum compensation being paid to the County Trustee.

District Attorney General - Assistants and Criminal Investigators

The following acts once affecting Lake County are no longer in effect but are listed here for historical purposes.

1. Public Acts of 1967, Chapter 254, created the position of criminal investigator for the Fourteenth Judicial Circuit.
2. Public Acts of 1971, Chapter 138, created the Office of Assistant District Attorney for the Fourteenth Judicial Circuit.
3. Public Acts of 1973, Chapter 154, established an additional Assistant District Attorney.
4. Public Acts of 1976, Chapter 648, created the position of part-time assistant district attorney in the Fourteenth Circuit.
5. Public Acts of 1978, Chapter 859, authorized the District Attorney General for the thirtyfirst Judicial Circuit to appoint a full-time criminal investigator. This act was amended by Public Acts of 1982, Chapter 859 and Public Acts of 1983, Chapter 392.

General Sessions

The following acts once affected the general sessions court of Lake County, but are no longer in effect and are included herein for reference purposes.

1. Private Acts of 1974, Chapter 313, set the salary of the Lake County General Sessions Judge at \$7,200 per year.
2. Public Acts of 1974, Chapter 808, set the base salary of the Judge of the General Sessions Court in counties of the 8th Class at \$7,000, subject to be adjusted according to the Consumer Price Index on September 1, 1975.
3. Private Acts of 1995, Chapter 60, amended Private Acts of 1987, Chapter 49, by deleting subsection (b): Effective September 1, 1990, the position of General Sessions Judge of Lake County shall be a full-time position. This act was not adopted by the county legislative body of Lake County on October 10, 1995.

Juvenile Court

The following act once affecting juvenile courts in Lake County is included herein for reference purposes.

1. Private Acts of 1995, Chapter 105, created a juvenile court for Lake County, provided for the appointment of a judge, clerk, and necessary court personnel. No action was taken by the county legislative body at its October 16, 1995 meeting.

Secretarial Assistance

The following acts are no longer in effect but are listed here for historical purposes.

1. Public Acts of 1957, Chapter 150, set the compensation of the stenographer to the Chancellor of the 9th Chancery Division at \$2,400 per annum.
2. Public Acts of 1963, Chapter 309, raised the salary of the Chancellor's stenographer to \$3,600 per annum.
3. Public Acts of 1963, Chapter 313, authorized the Judge of the Fourteenth Judicial Circuit, of which Lake County was then a part, to hire a stenographer at a salary of \$2,400 per annum.

Chapter VI - Education/Schools

Board of Education

Private Acts of 2012 Chapter 77

SECTION 1. Chapter 119 of the Private Acts of 2002, and any other acts amendatory thereto, are hereby repealed.

SECTION 2. Lake County shall be divided into three (3) school districts of substantially equal population, which shall be coextensive with the three (3) county commissioner districts established by resolution of the county legislative body of Lake County from time to time.

SECTION 3. The Lake County Board of Education shall consist of nine (9) members; Three (3) members of the Lake County Board of Education shall be elected by the qualified voters in each school district. Board members shall be elected to staggered four (4) year terms so that every two (2) years the terms of approximately one-half ($\frac{1}{2}$) the members of the Board shall expire. Persons elected in the regular August elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

SECTION 4. The current term of incumbent members of the Lake County Board of Education shall not be cut short as a result of changes in school districts as provided in this act. In order to establish staggered terms and to increase the number of board members from eight (8) to nine (9), board members shall be elected to four (4) year terms as follows: At the August 2012 election, two (2) board members shall be elected from District 1, two (2) board members shall be elected from District 2, and one (1) board member shall be elected from District 3. At the August 2014 election, one (1) board member shall be elected from District 1, one (1) board member shall be elected from District 2, and two (2) board members shall be elected from District 3. Thereafter, board members shall be elected to four (4) year terms as each respective board member's term expires.

SECTION 5. The Lake County Board of Education shall have the same powers, duties, privileges and qualifications as other county boards of education established pursuant to Tennessee Code Annotated, Title 49.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the legislative body of Lake 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 8. 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 7.

Passed: April 30, 2012.

Superintendent or Director of Schools

Private Acts of 1941 Chapter 217

SECTION 1. That in counties of this State having a population of not less than 11,200, nor more than 11,250, by the Federal Census, the County Superintendent of Public Instruction shall be elected by popular vote. The first election therefor shall be held at the regular August election, 1942, and the person so elected shall take office on September 1, next following his election, and shall serve for a period of four years and until his successor shall be elected and qualified. The person elected by the Quarterly County Court at its January session, 1941, shall continue to be and remain the County Superintendent of Public Instruction until September 1, 1942.

The person so elected County Superintendent at the August election, 1942, shall possess the same qualifications and shall discharge the same duties as are now discharged by the County Superintendent of Public Instruction, and the compensation of such person shall be fixed by the Quarterly County Court at either the April or July term of its session next prior to the election in August and shall not be increased or diminished during his term of office and shall be less than, so far as the County's part thereof is concerned, the sum of \$900.00.

Any vacancy occurring in the office of County Superintendent of Public Instruction by death or resignation

or removal shall be filled by the Quarterly County Court, and the person so elected at such vacancy shall hold office until his successor shall be duly elected and qualified at the next regular election for County officers after the occurrence of such vacancy.

As amended by: Private Acts of 1943, Chapter 251

SECTION 2. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 7, 1941.

Education/Schools - Historical Notes

Board of Education

The following act once affected the board of education in Lake County but is no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1967, Chapter 270, as amended by Private Acts of 1971, Chapter 99, and Private Acts of 1972, Chapter 372 and any other acts amendatory thereto, to divide Lake County into school districts; to provide for the number, election and terms of members of the Lake County Board of Education; and to provide for a transition period for the existing Board of Education in Lake County. This Act was repealed by the Private Acts of 1992, Chapter 182.
2. Private Acts of 1992, Chapter 182, was repealed by Private Acts of 2002, Chapter 119.
3. Private Acts of 2002, Chapter 119, which created the school board in Lake County, was repealed by Private Acts of 2012, Chapter 77.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Lake County but are no longer operative since 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. Acts of 1907, Chapter 236, abolished the District Directors of school districts throughout the state and directed that school systems be under the management and control of Boards of Education, and a District Board of Advisors. Counties would be divided into five school districts as nearly equal in population as possible, and a member of the Board of Education would be elected in each district, and the County Superintendent would be the Secretary. The duties of the Board, the Chairman, and the Secretary were all generally set out, and the powers, duties, and authority of the advisory board were enumerated, as well as the process to be followed in filling vacancies. Several counties exempted themselves from the operation of the Act in Section 17 but Lake was not among them.
2. Private Acts of 1929, Chapter 789, stated that the County Superintendent of Public Instruction would be elected for a four year term by the County Board of Education at its first meeting in January, 1931. This act does not affect the duties, qualifications, or compensation of the holder of the office, the same to remain as is, except that a certificate of qualification be furnished and filed with the Board of Education not later than 30 days before the election.
3. Private Acts of 1935, Chapter 37, provided that the members of the County Board of Education in Lake County would be elected by the voters of the county at the regular August election for a two year term, and vacancies would await the coming of the election except those which might exist at the passage of this Act which would be filled at a special election within 15 days. This law would not affect the status of any current member of the Board and prohibited any member of the County Court from being a member of the Board of Education. This Act was repealed expressly by Private Acts of 1937, Chapter 474.
4. Private Acts of 1935, Chapter 73, provided for the election of the County Superintendent of Public Instruction by the qualified voters of the county for two year terms under much the same conditions as were set up for the members of the Board of Education, specifically stating that this act would not affect the current holder of this office. This Act was also specifically repealed by Private Acts of 1937, Chapter 475.
5. Private Acts of 1937, Chapter 474, expressly repeals Private Acts of 1935, Chapter 37, which provided for the popular election of the members of the County Board of Education.
6. Private Acts of 1937, Chapter 475, also expressly repealed Private Acts of 1935, Chapter 73, which ordered the popular election of the County Superintendent of Public Instruction.
7. Private Acts of 1941, Chapter 305, created the 12 member Board of Education for Lake County.

The school districts were made up of certain whole civil districts, and D. H. Bowlin, Brown Johns, George Horton, Milan Bowen, C. J. Sizemore, Harrison Burke, and O. R. Cody, Lon Lawson, Mrs. Willard Chambers, Monroe Bush, William Seals, L. F. Johnson, and Porter Montgomery were named as the first members to serve until their successors were chosen at the next election in August, 1942. Members would be paid \$2.00 daily for each day's attendance at a Board meeting. This act was repealed by Private Acts of 1945, Chapter 360.

8. Private Acts of 1945, Chapter 360, repealed specifically Private Acts of 1941, Chapter 305, and further provided that the Board of Education in Lake County would be elected pursuant to the general school laws and the entire school system would be operated to conform also with these general laws.
9. Private Acts of 1969, Chapter 183, would have amended Private Acts of 1967, Chapter 270, by deleting Paragraph eight (8) in Section 1 and inserting a new paragraph which stated that no vacancy would be created in the terms of members of the Board of Education which expired in those years in which no election was to take place, and that person would remain in office and continue to serve until his successor was elected at the earliest time but this act was not approved by the Quarterly County Court and therefore did not become a law.
10. Private Acts of 1969, Chapter 185, would also have amended Private Acts of 1967, Chapter 270, above, by providing that a vacancy in the office of a member of the Board of Education would be filled by a special election to be held on the first Tuesday in August preceding the expiration of the term of office. This Act was not approved by the Quarterly County Court of Lake County and, therefore, did not become a law under the Home Rule Amendment to the State Constitution.

Chapter VII - Elections

Elections - Historical Notes

The following is a listing of acts for Lake County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes.

1. Acts of 1871, Chapter 146, apportioned Tennessee to conform to the Federal Census of 1870. Lake, Henry, Weakley, and Obion Counties composed the 20th State Senatorial District out of 25, and also provided that Obion, Lake, Shelby, and Fayette would jointly elect one Representative to the General Assembly.
2. Acts of 1872 (Ex. Sess.), Chapter 7, divided Tennessee into nine U. S. Congressional Districts. Madison, Crockett, Haywood, Lauderdale, Dyer, Gibson, Weakley, Obion, and Lake made up the 8th U. S. Congressional District.
3. Acts of 1873, Chapter 27, created ten U. S. Congressional Districts and placed Weakley, Obion, Lake, Dyer, Gibson, Crockett, Haywood, Tipton, and Lauderdale in the Ninth.
4. Acts of 1881 (Ex. Sess.), Chapter 6, apportioned Tennessee under a new census into 33 Senatorial Districts placing Lake County in the 28th Senatorial District with Obion and Dyer, and also provided that Obion, Lake, and Dyer would elect one Representative between them to the General Assembly.
5. Acts of 1882 (2nd Ex. Sess.), Chapter 27, divided Tennessee into ten U. S. Congressional Districts retaining Lake in the Ninth with the same counties except Tipton which was taken out.
6. Acts of 1891, Chapter 131, used the 1890 Census for reapportioning Tennessee. There was no change in the Ninth U. S. Congressional District, the counties remaining unchanged and very little change anywhere else in the State.
7. Acts of 1891 (Ex. Sess.), Chapter 10, divided the State for representation in the General Assembly into the same number of Senatorial Districts putting Obion, Lake, and Weakley in the 28th Senatorial District and permitting Lake, Obion, and Dyer Counties to elect one Representative jointly.
8. Acts of 1901, Chapter 109,, delineated the ten U. S. Congressional Districts with Gibson, Weakley, Obion, Lake, Dyer, Lauderdale, Haywood, and Crockett making up the Ninth.
9. Acts of 1901, Chapter 122, did the same for the state Assembly. Lake, Obion, and Weakley were the 28th Senatorial District, and Obion, Lake and Dyer would elect one Representative between them.

Chapter VIII - Health

Currently, there are no private acts.

Chapter IX - Highways and Roads

Road Law

Private Acts of 1980 Chapter 262

SECTION 1. There is hereby created in Lake County a County Board of Highway Commissioners, to be composed of six (6) members beginning on September 1, 2004, who shall have general supervision and control over all roads and bridges in the county, and over all highway and bridge funds.

SECTION 2. There shall be three (3) highway commission districts of substantially equal population, which shall be coextensive with the three (3) county commissioner districts established by resolution of the county legislative body of Lake County from time to time. Two (2) board members shall be elected from each highway commission district.

Board members in office on the effective date of this act shall continue to serve the remainder of the terms to which they were elected. Beginning with the regular August 2012 general election, two (2) board members shall be elected to four-year terms from each of the three (3) districts. The two (2) candidates in each district receiving the highest number of votes shall be elected. Terms shall begin on the first day of September following their election and continue until a successor is elected and qualified.

Any person shall be eligible to hold the office of county highway commissioner who is a resident of the highway commission district from which he or she is elected and is qualified to vote. If any highway commissioner shall cease to be a resident of the highway commission district from which he or she is elected, the office shall be deemed vacant.

As amended by:

- Private Acts of 1984, Chapter 197
- Private Acts of 1984, Chapter 201
- Private Acts of 1985, Chapter 9
- Private Acts of 1987, Chapter 50
- Private Acts of 2002, Chapter 105
- Private Acts of 2012, Chapter 76

SECTION 3. In case any vacancy shall exist at the date of the passage of this Act or at any future date in said office of Highway Commissioner, by death, removal, resignation or otherwise, the county legislative body of Lake County shall by majority vote appoint a duly qualified successor to this office to fill out the remainder of said term of office. The qualifications of said successor shall be those as outlined in Section 2 of this Act.

This Act shall in no way affect the present incumbents holding said office, nor shall it affect the duties, qualifications and compensation of the said Highway Commissioners, in Lake County, but the same shall remain as now fixed and provided by law, or as may hereafter be fixed; provided, however, that no member of the county legislative body of Lake County shall be eligible to be or become a member of said Board of Highway Commissioners.

SECTION 4. Each Commissioner shall qualify within ten (10) days after his election, by subscribing to an oath to perform, faithfully and impartially, the duties of his office, and shall give a good and solvent bond in the sum of one thousand dollars (\$1000) for the faithful performance of the duties of his office and for accounting for all funds coming into his care, or the care of the Commission, and the cost of such bond, if any, shall be paid out of the highway fund; provided, that the county legislative body may require additional bond to be given, in case bonds are issued for the construction of roads or bridges, and in other cases if deemed necessary.

SECTION 5. At the first meeting to be held after each Regular Election, the County Board of Highway Commissioner (sic) shall organize by electing one (1) of their members as Chairman, Vice-Chairman and Secretary who shall hold their offices until the expiration of their terms of office for which they are elected, or by their death, removal, resignation, or otherwise. It shall be the duty of the Chairman to preside at all meetings of the Board, to see that the minutes of the proceedings are properly kept, and to sign same; to inspect all accounts and vouchers to determine their correctness, and to sign, in ink, all warrants on the County Trustee for payment of funds; to act as executive officer of the Board and to attend to and dispose of all matters needing attention while said Board is not in session, in conformity with the general orders and policies of said Board. In the absence of the Chairman or in case of his inability to act, his duties shall be performed by the Vice-Chairman. The Secretary shall perform all the duties usual to such a position, or such duties as the Board may impose on him. The Secretary of the County Board of Highway Commissioners shall countersign all warrants on the County Trustee for payment of funds.

SECTION 6. Each member of the County Board of Highway Commissioners shall receive as compensation for his services the sum of two thousand one hundred dollars (\$2,100) per annum to be paid in equal monthly installments out of the highway and bridge funds of the county. Additionally, each member shall be entitled to participate in any hospitalization and/or retirement plans of the county. However, any other insurance programs not routinely offered to county personnel upon employment, including but not limited to life insurance, shall be entered into at the option of the Highway Commissioner, the cost thereof being borne by the Highway Commissioner and not from the funds of the county.

SECTION 7. The Board of Highway Commissioner (sic) shall maintain an office in Lake County. The County Highway Commission shall meet at least once a month at a regular time to be fixed by the Commission and shall hold such special meetings as may be necessary for the efficient dispatch of their business. Special meetings may be called upon twenty-four (24) hours' notice to all the members of said County Highway Commission either upon motion of the chairman or upon application made to him by two (2) members of said Commission. Three (3) members of said Commission shall constitute a quorum; provided, however, that no contract requiring the expenditure of more than ten thousand dollars (\$10,000) shall be made without the affirmative votes of at least three (3) members of said Commissioner.

The Commission shall have the power to make such rules and regulations in connection with their deliberations and in the operation of that department of the county government as may be necessary for the efficient dispatch of their business; provided, however, that no such rule shall conflict with the provisions of this Act.

SECTION 8. The Board of Highway Commissioners are hereby clothed and charged with the following powers and duties, to-wit:

(a) To hold a regular meeting on the first Tuesday of each month at the county site, and more often if necessary, the Chairman, or two (2) members having authority to call a special meeting. Three (3) members shall constitute a quorum for the transaction of business.

As amended by: Private Acts of 1983, Chapter 145

(b) To have general charge of all highways and bridges in said county and of all expenditures of the road and bridge funds of said county, and to make all necessary and proper orders for the construction, reconstruction, grading, ditching, repairing, and maintenance of said roads and for building and repairing bridges.

(c) To lay out and classify all the public roads of the county; to divide same into such sections or divisions as may be necessary for their proper and efficient construction and maintenance; to make or cause to be made, a map of said roads and to keep records of all roads and bridges of the county.

(d) To cooperate with the State Highway Department and the U. S. Government, in conformity with existing or future legislation and in all matters tending to secure a uniform, coordinated, and efficient system of highways and accounting.

(e) If the Board shall find it more economical or advantageous to construct or repair roads or bridges by contract it may advertise for bids and let out contracts covering one (1) or more sections or parts of such work.

(f) To purchase all necessary implements, machinery and tools and to provide sheds at central points for the storing and safe keeping of same.

(g) To make detailed written reports to the county legislative body on the third Monday in January of each year, and at any other time said body may require, showing all funds received and expended on behalf of said road and bridge fund.

(h) To open, change, close, restore or widen the public roads of the county and to procure rights of way for such roads by purchase, gift, or by the exercise of the right of eminent domain.

In case such rights of way are procured by purchase or gift, a deed shall be taken to same in the name of the county, and duly recorded in the county where the land lies. In case such right of way cannot be secured by negotiation and agreement, the same may be condemned and used, and the procedure in such cases shall be as set out by law.

SECTION 9. That it shall be the duty of the county board of highway commissioners to employ a road superintendent for a term of four (4) years from the first Monday in January of the calendar year in which the road superintendent shall be selected. The county board of highway commissioners shall fix the road superintendent's compensation, which shall not be less than that of the county clerk in such county.

Such superintendent shall either be a licensed civil or highway engineer or shall have had at least five (5) years of practical and supervisory experience in road building and/or maintenance. He shall be a citizen of

the United States, not less than twenty-five (25) years of age and shall be in all other respects qualified for the duties of superintendent. He shall be in direct charge of all operations in the construction, reconstruction, maintenance, and repair of all highways, bridges and ferries in such county. He shall exercise custodial supervision of all machinery, equipment, road material and supplies and shall be charged with its proper allotment to the various operating units and roads. Likewise, he shall be required to keep or have kept under his supervision an accurate and detailed account of all road materials and supplies delivered to construction or maintenance units to the end that each road, bridge or ferry shall be charged with the material and supplies used thereon.

He shall likewise be under the duty of keeping an accurate and detailed account and record of the use of all road machinery and equipment to the end that each road or unit shall be charged with the proper machinery and equipment rented; and he shall be authorized to employ and discharge for cause all necessary and general foremen, unit supervisors, job foremen, and road hands for the operation of the ferries, bridges and highways of the roads of such county, including construction, reconstruction, repairs and maintenance thereof.

As amended by: Private Acts of 1991, Chapter 81
Private Acts of 2003, Chapter 18

SECTION 10. The Board of Highway Commissioners shall possess power of eminent domain for the purpose of acquiring all necessary rights of way for the location of highways, bridges and ferries, the acquisition of rock quarries and gravel beds and all other material necessary for the repair and maintenance of all roads, bridges and ferries of said county. In case of the Highway Commission shall see fit to exercise the power of eminent domain the same shall be exercised in conformity with the provisions of Tennessee Code Annotated, Title 23, Chapter 14, which chapter is made a part of this Act as completely as though embraced herein.

SECTION 11. So much of those parts of the following Private Acts as they may directly apply to the road laws of Lake County are hereby repealed, such Private Acts being Chapter 288 of the Private Acts of 1917, as amended by Chapter 847 of the Private Acts of 1929, Chapter 38 of the Private Acts of 1935, Chapter 381 of the Private Acts of 1974 and all other Acts amendatory thereto.

SECTION 12. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end, the provisions of this Act are declared to be severable.

SECTION 13. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Lake County before June 1, 1980. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

SECTION 14. 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 13.

Passed: March 26, 1980.

Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Lake County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1901, Chapter 136, was a general road law applicable to every county in Tennessee under 70,000 in population according to the 1900 Federal Census. The County Court of each county would select one Road Commissioner to serve two years from each Road District in the county, the Road Districts being co-extensive with the civil districts. The Road Commissioner would be sworn, bonded, and in charge of all the roads, bridges, road hands, tools, equipment, and materials used in or assigned to his area. He would be paid at the rate of \$1.00 per day but for no more than 10 days each year. The County Court would fix the number of days the road hands would work at no less than five, nor more than eight, and set the price of one day's labor. The County Court had the authority to levy a general road tax of two cents per \$100 for each day of work required by the road hands. The Road Commissioners would name the road overseers in their area and assign them to particular sections of road for which they would be responsible. Overseers would work the same number of days on the road as everyone else but would be paid for all over that number up to \$6.00 per year. All males, outside of cities, between the ages of 21 and 45 were subject to compulsory road work. The Commissioners were to dispose of petitions to

open, close, or change roads, would classify and index the roads in their districts, and would see to it that roads met the specifications stipulated in the Act. This Act was involved in the case of Carroll v. Griffith 117 Tenn. 500, 97 S.W. 66 (1906).

2. Acts of 1905, Chapter 478, amended the 1901 Act in several particulars primarily in the mechanics of road operation and repair.
3. Private Acts of 1909, Chapter 50, was a Road Law for Lake County which allowed the County Court to elect a Road Commissioner to serve until January 1, 1911, when one would be elected for two years. The Commissioner was required to make a \$2,500 bond and would be in charge of all repairs and maintenance to roads and bridges and of all hands who were to work upon them. He would also classify the roads into four classes determined by widths of 15, 20, 30, and 40 feet from the center of the ditch on one side to the center of the ditch on the other side. He was in charge of opening, closing, and changing roads upon petition being filed with him and he was given power to let contracts and to supervise the grading. All males, 18 to 50 years of age were required to work six days. A special road tax of not less than 15 cents per \$100 was levied and no roads were to be graded between October 1 and April 15.
4. Private Acts of 1911, Chapter 85, succeeded the above Road Law although it did not specifically repeal it. This act was substantially the same as its predecessor with a few minor variations in administrative details and procedures. The Road Commissioner was the person primarily responsible for the execution of the program. This Act increased the commissioner's responsibilities but not his salary.
5. Private Acts of 1917, Chapter 288, was the former Road Law for Lake County. It was amended by Private Acts of 1929, Chapter 847, Private Acts of 1935, Chapter 38, and Private Acts of 1974, Chapter 381. The Act and its amendments were repealed by Private Acts of 1980, Chapter 262.
6. Private Acts of 1983, Chapter 85, so as to allow the County Legislative Body to set the compensation of the Board of Highway Commissioners between \$2,100 and \$3,000 per annum before each year's August election. The act was disapproved on July 18, 1983.
7. Private Acts of 1984, Chapter 200 repealed the Private Acts of 1980, Chapter 262, as amended, which is the Lake County Highway Law. This act was disapproved and never became effective.
8. Private Acts of 1986, Chapter 194, modified the term of office of the Highway Commissioners. This act was never acted upon by the county legislative body.
9. Private Acts of 1987, Chapter 50, repealed Private Acts of 1985, Chapter 9, and Private Acts of 1984, Chapter 197.

Chapter X - Law Enforcement

Law Enforcement - Historical Notes

Sheriff

The following act has no current effect but is included here for reference purposes since it once applied to the Lake County Sheriff's Office.

1. Private Acts of 1929, Chapter 440, Page 1164, pegged the salary of the Sheriff at \$1,200 annually, and the salaries of all his deputies at the same figure payable quarterly at the regular term of the County Court. The Sheriff would file an itemized, sworn statement with the County Judge or Chairman, showing the amount of all fees collected by his office except fees for boarding prisoners and turnkeys. The County Court could set the salaries of the deputies but their combined salaries could not exceed \$100 per month and could be withdrawn at any time the Court considered such action to be in the best interests of the county.

Chapter XI - Taxation

Assessor of Property

Building Permit

Private Acts of 1974 Chapter 370

SECTION 1. Any person building a new building or structure or making alterations to an existing structure

in Lake County shall be required to obtain a building permit before beginning such construction or building. Any person who fails to obtain such permit within thirty (30) days after the beginning of building or construction shall be guilty of a misdemeanor and shall be fined ten dollars (\$10).

SECTION 2. It shall be the duty of the Tax assessor of Lake County to issue such permits in accordance with the provisions of Title 53, Chapter 25, Tennessee Code Annotated. There shall be no charge for the issuance of permits.

SECTION 3. This Act shall have no affect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Lake County before July 31, 1974. Its approval or nonapproval shall be proclaimed by the presiding officer of the quarterly county court and certified by him to the Secretary of State.

SECTION 4. For the purpose of approving or rejecting the provisions of this Act, it shall become 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 25, 1974.

Hotel/Motel Tax

Private Acts of 1990 Chapter 191

SECTION 1. As used in this act unless the context otherwise requires:

- (1) "Clerk" means the County Clerk of Lake County, Tennessee.
- (2) "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.
- (3) "County" means the Lake County, Tennessee.
- (4) "Hotel" means any structure or space, or any portion thereof, 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.
- (5) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (6) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.
- (7) "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.
- (8) "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 thirty (30) continuous days.

SECTION 2. The legislative body of Lake County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in the amount of five percent (5%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this act.

SECTION 3. The proceeds received by the county from the tax shall be designated and used for tourism.

SECTION 4. Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his or her hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to Lake County.

When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected from or charged to him or her, and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

SECTION 5. The tax levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels within the county to the clerk or such other officer as may by resolution be charged with the duty of collection thereof, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such 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 6. The clerk, or other authorized collector of the tax authorized by this act, shall be responsible for the collection of such tax and shall place the proceeds of such tax in accounts for the purposes stated herein. A monthly tax return shall be filed under oath with the clerk by the operator with such number of copies thereof as the clerk may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the clerk and approved by the county legislative body prior to use. The clerk shall audit each operator in the county at least once a year and shall report on the audits made on a quarterly basis to the county legislative body.

The county legislative body is hereby authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

SECTION 7. No operator of a hotel shall 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 8. Taxes collected by an operator which are not remitted to the 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 twelve percent (12%) per annum, and shall be liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become part of the tax herein required to be remitted. Each occurrence of 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 be punishable by a civil penalty not in excess of fifty dollars (\$50.00).

SECTION 9. 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 deemed necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the county, which records the clerk shall have the right to inspect at all reasonable times.

SECTION 10. The 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 provided by law for the county clerks. Upon any claim of illegal assessment and collection, the taxpayer shall have the remedies provided in Tennessee Code Annotated, Title 67, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The provisions of Tennessee Code Annotated, Section 67-1-707, shall be applicable to adjustments and refunds of such tax.

With respect to the adjustment and settlement with taxpayers, all errors of count taxes collected by the clerk under authority of this act shall be refunded by the clerk. Notice of any tax paid under protest shall be given to the clerk and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

SECTION 11. The proceeds of the tax authorized by this act shall be allocated to and placed in the General Fund of Lake County to be used for the purposes stated in Section 3 of this act.

SECTION 12. The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

SECTION 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 14. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Lake County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and shall be certified by such presiding officer to the Secretary of State.

SECTION 15. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect upon being approved as provided in Section 14.

Passed: April 5, 1990.

Litigation Tax

Private Acts of 1970 Chapter 224

SECTION 1. There is levied a special privilege tax in the amount of One Dollar and Fifty Cents (\$1.50) on each civil or criminal case heard and determined in the circuit, criminal, chancery and general sessions courts in Lake County, which shall be in addition to all other taxes on litigation imposed in Lake County. The tax shall be collected by the clerks of the respective courts and taxed as part of the costs in each case.

SECTION 2. When any part of the costs in any case has been collected, after payment of any state litigation tax accrued on the case, the amount necessary for the payment of the tax imposed by this Act shall be next applied, before applying any of the amount collected as costs to any other funds or items or costs.

SECTION 3. On or before the last day of each month the clerks of the respective courts shall pay to the county trustee all amounts collected under the provisions of this Act during the preceding calendar month. The sum paid to the trustee shall be earmarked for the sole and exclusive use of the office of sheriff and shall be paid over to the office of sheriff on the fifteenth day of each month, or as soon after that date as is practicable. The proceeds of such payments shall be devoted to the maintenance of the office of sheriff and the operation of the sheriff's department, including the compensation of deputies.

The sheriff shall account for the sums so paid in the same manner as he is required to account for other moneys coming into his hands.

SECTION 4. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Lake County prior to December 1, 1970. Its approval or nonapproval shall be proclaimed by the presiding officer of the court and certified by him to the Secretary of State.

SECTION 5. For the purpose of approving this Act as provided in Section 4, it shall take effect on becoming a law, but the other provisions of the Act shall be effective only upon being approved as required by Section 4.

Passed: February 10, 1970.

Motor Vehicle Tax

Private Acts of 1961 Chapter 44

SECTION 1. That for the privilege of using the public highways, except Statemaintained roads, in counties of this State having a population of not less than 9,570 nor more than 9,600, by the Federal Population Census of 1960, or any subsequent Federal Population Census, there is levied upon motor-driven vehicles, except tractors, combines, other farm machinery, motor bicycles and scooters, a special privilege tax for the benefit of such counties, and in addition to all other taxes in the amount of Five Dollars (\$5.00) per motor driven vehicle. This tax shall apply to and be paid on each motor driven vehicle whose owner resides, or usually stays, in counties to which this Act applies, and it shall be a misdemeanor and punishable as such for any resident of counties to which this Act applies to operate a motor driven vehicle, except farm tractors, combines, other farm machinery, motor bicycles and scooters over the highways of such counties, state maintained roads excluded, without the payment of the tax herein provided.

SECTION 2. That the tax herein levied shall be collected by the County Court Clerk of counties to which this Act applies at the same time that he collects the State privilege tax upon the operation of motor driven vehicles over the public highways. No Clerk in counties to which this Act applies shall issue to a resident of such county a State license for the operation of automobiles unless at the same time such resident shall purchase the appropriate license as hereinafter provided for the operation of his motor driven vehicle under this Act. Payment of the license fee herein imposed shall be evidenced by a metal tag or emblem to be appropriately displayed upon some prominent part of the motor driven vehicle in question. The design of the emblem in question shall be determined by the County Court Clerk and the expense incident thereto shall be paid from the county general funds. The tax herein levied shall entitle the owner of a motor driven vehicle to operated the same from April 1 of each year to the next succeeding March 31 and the same proportionate reduction shall be made as is now made in the case of State registration of motor vehicles where such motor driven vehicle is registered after April 1 for any reason whatsoever. For his services in issuing such licenses, the County Court Clerk shall be entitled to a fee of 50¢ for each one so issued, to be collected from the person purchasing the same for his services in issuing duplicate licenses, the County Court Clerk shall be entitled to a fee of one dollar (\$1.00) for each one (1) so issued, to be collected from the person purchasing the same with the exception of 50¢ of the one dollar (\$1.00) fee on each duplicate license issued to the County Trustee of counties to which this Act applies, and they shall be applied as herein provided. In addition to the fees collected from the purchaser, the

county court clerk shall be allowed and paid a commission at the rate of two and one-half percent (2½%) of all revenue collected from such tax.

As amended by: Private Acts of 1969, Chapter 184
Private Acts of 1971, Chapter 47

SECTION 3. That the proceeds of the tax herein imposed, when collected in the hands of the County Trustee, shall be used exclusively for salaries of the teachers, principals, superintendent, and other employees of the Lake County Board of Education.

SECTION 4. That it is the intent of the General Assembly that this Chapter be construed as a measure providing for additional revenues in the counties affected.

SECTION 5. That this Act shall have no effect unless the same shall have been approved by two-thirds of the Quarterly County Court of Lake County. Upon such approval this Act shall become effective immediately, the public welfare requiring it. The approval of this Act shall be proclaimed by the presiding officer of the Quarterly County Court of Lake County and shall be certified by him to the Secretary of State as promptly as is reasonably possible.

SECTION 6. That the tax levied under this Chapter shall be collected from and after April 1, 1961, and every year thereafter, but otherwise, this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 7, 1961.

Taxation - Historical Notes

Assessor of Property

The following act was superseded, repealed or failed to win local ratification, but it is listed here as a reference to laws which once affected the Lake County Assessor.

1. Private Acts of 1945, Chapter 140, fixed the salary of the County Tax Assessor in Lake County at \$1,000 per year payable \$250 a quarter.

Taxation

The following is a listing of acts pertaining to taxation in Lake County which are no longer effective.

1. Public Acts of 1927, Chapter 15, amended Acts of 1907, Chapter 602, a general revenue law for the State, by extending the delinquency date from March 1, to May 1. Twelve counties exempted themselves from its application by means of census figures. In the case of Shipp v. Cummings, 158 Tenn. 526, 14 S.W.2d 747 (1929), the Supreme Court declared this law to be unconstitutional stating that uniformity of taxation includes uniformity in dates of maturity but those who had relied upon the Act in not paying their taxes would not be liable for interest or penalty.
2. Public Acts of 1927, Chapter 227, also amended Acts of 1907, Chapter 602, Section 48, but Lake County was among those counties exempting themselves from its application.

Chapter XII - Public Utilities

Madrid Bend Levee District

Private Acts of 1937 Chapter 355

SECTION 1. That an improvement district is hereby created and established to be known as and styled "Madrid Bend Levee District" which shall embrace and include certain lands in Civil Districts No. 1 and No. 7 of Lake County, Tennessee, within the area described as follows: Beginning at the northwest corner of the land area of the State of Tennessee, and the southwest corner of the land area of the State of Kentucky, on the bank of the Mississippi River; runs thence east, with the Tennessee- Kentucky State line, to the margin of the Mississippi River on the east side of what is known as "Madrid Bend;" thence up stream, running southwardly and eastwardly, with the meandering margin of said Mississippi River, passing Bessie Landing and Cates' Landing, to a point on the margin of said River just north of a signal light of the U.S. Government, numbered 60.8, standing near the River Bank on the north side of a tract of land owned by Mrs. Garnet Lemonds and Mrs. Kate Wright; runs thence in a southwesterly course, passing the northwest corner of a tract of land owned by Mrs. John C. Jackson, in the center of the public road running east and west, formerly known as the district line road; thence, southwestwardly, in the same

course, to a point 18 feet west of the northwest corner of Mrs. James N. Jones' barn, which is east of her residence; thence south to an angle in the public road leading from Tiptonville to Cates' Landing, west of the residence occupied by S. L. Coats; thence south, in the same course, with the east side of the right-of-way of said Tiptonville-Cates Landing Road, to a point opposite a concrete culvert under said road, at the northwest corner of a tract of land belonging to Mrs. Mary P. Hubbs; thence west, with Dietzel's north boundary line, and on in the same course, west to the margin of the Mississippi River; thence northwardly, with the meandering margin of said river, to the point of beginning on the State line. Provided, however, that all the lands within said area which are higher in elevation than the sea level elevation of the 1937 flood of the Mississippi River, at Slough Landing, Lake County, Tennessee, and lands on the outside, or river side of levees now existing or that may be constructed, and all sand bars, and bars and towheads or other low lands which periodically overflow at ordinary stages of the Mississippi River, are not to be included in said levee district so as to be taxed for the improvements hereinafter referred to.

SECTION 2. That the territory included within the boundaries set out in the foregoing section is hereby organized, established and incorporated into a levee district, under the name and style aforesaid, for the purpose of providing facilities, ways and means for protecting the lands in said district from overflows and floods of the Mississippi River, as nearly as may be possible.

SECTION 3. The County Executive of Lake County is vested with all of the nonjudicial authority over matters connected with the affairs of the Madrid Bend Levee District formerly exercised by the County Court or Chairman of the Quarterly County Court. All duties of a judicial nature formerly exercised by the County Court in regard to the Madrid Bend Levee District shall henceforth be exercised by the Circuit Court in Lake County. All references to County Court or Chairman of the Quarterly County Court found in this act shall be interpreted according to this section.

SECTION 4. That the Madrid Bend Levee District, by and through its Board of Directors, is hereby authorized to construct levees, and other improvements for the protection of the lands of the district from overflow; to levy assessments against the lands of the district for the payment of the cost of such improvements; to borrow money by the issuance of bonds, notes or warrants, for any legitimate purpose of the district, and to prescribe the terms and details of said obligations; to exercise the right of eminent domain and to acquire rights-of-way for such improvements, by gift, purchase, or condemnation; to employ necessary agents and representatives, including a civil engineer, or engineers, legal counsel, and clerical or administrative help, and to provide for the payment of compensation to such agents and employees; to make contracts for all proper purposes connected with the affairs of the district; to do any and all things necessary and proper to be done to carry out the purposes for which said district is set up and established, and said district, so acting by and through its Board of Directors and Chairman is hereby vested with all the powers, authority and jurisdiction which is conferred upon levee and drainage districts by the general levee and drainage laws of the State of Tennessee, as compiled in the 1932 Code of Tennessee, Section 4216 and 4406, inclusive, not in conflict with the provisions of this Act; and likewise, said Code provisions, subsequent to the provisions for the organization of the district, with reference to the powers and duties of the Chairman of the County Court are hereby made applicable to the Madrid Bend Levee District, except where such Code Sections are in conflict with this Act, or superseded by specific provisions of this Act, the same as though said Code provisions were set out herein verbatim.

SECTION 5. The general control, management and supervision of the business affairs of said Levee District is hereby vested in a Board of Directors composed of five members. The County Executive shall be an ex-officio member and Chairman of said Board, and shall hold office until his successor is elected and qualified. The other four members shall serve terms of two years and until their successors are appointed and qualified. At the end of the term of said four appointed members, the County Court of Lake County shall appoint their successors, who shall be owners of land, or interested in lands, in said district, who shall hold office for the term of two years thereafter, and until their successors are appointed and qualified, and thereafter, every two years vacancies in the office of director shall be filled by appointment by said County Court from among those owning or interested in lands in said district.

As amended by:

Private Acts of 1985, Chapter 25

That if there should be a vacancy in the office of the director appointed as aforesaid, because of death, resignation, or other reason, the County Court shall appoint another director of like qualifications to fill such vacancy till the end of the two years' term, and for sufficient reason the County Court may remove a director so appointed, but not till such director has had at least five days' notice of the time of the hearing, and of the grounds on which he should be removed, as alleged, and he shall thus be entitled to be heard and to introduce proof upon the issue as to whether he should be so removed as a director; and if, on the hearing, the decision of the County Court is that he be removed, he may appeal therefrom, on giving proper cost bond, to the Circuit Court of the county, where the matter shall be heard anew and such judgment given as that Court deems just and proper. If a director is removed, the County Court shall appoint another to serve the remainder of the two years' term, having like qualifications as to ownership

of lands, etc., as herein provided.

SECTION 6. That the Chairman of the County Court of Lake County shall be Chairman of said Board of Directors, and said Board shall elect one of the other directors, Secretary and Treasurer of the Board, and as such Treasurer he shall give bond in an amount sufficient to cover all monies coming into his hands, and conditioned to faithfully account for monies coming into his hands as such Treasurer, said bond to be approved by the County Court and payable to the County or State for the use of said District, and shall be recorded in the Levee and Drainage Record, in the custody of the Clerk of said Court.

The Secretary shall keep the minutes of the proceedings of said Board in a well bound book to be provided for the purpose, or if the Court shall so order, said proceedings may be entered in the Levee and Drainage Record, or such parts of said proceedings may be so entered, with the approval of the County Court, as may be deemed necessary. In said Levee and Drainage Record the Clerk of said Court shall keep a full and complete record of all proceedings arising under this Act, including all orders made by the County Court, or orders certified from the Circuit Court, all bonds required to be given, and all orders and judgments of the County Court touching any matter of the district may be entered upon such Levee and Drainage Book, without being entered upon the regular Minute Book of said Court.

SECTION 7. The Board of Directors shall appoint a disinterested and competent engineer or engineers, to represent and act for the District in all matters requiring technical engineering skill, and they are authorized to enter into a contract with such engineer, or engineers, specifying the services to be rendered and the compensation to be paid for same, and may require such engineer and engineers to make bond for the faithful performance of such contract.

SECTION 8. That such engineer (it being understood that such term is to be read either singular or plural) shall proceed to examine the lands embraced within the District hereinabove described, and to survey and to locate such levees, structures and improvements as may be necessary or practicable to protect said lands from overflows from the Mississippi River, and to carry out the purposes for which said Levee District is established and which will be of public benefit or utility or conducive to the public health, welfare and safety.

SECTION 9. That said engineer shall prepare plans and specifications of the improvements referred to in the last Section, and shall file with the Clerk of the County Court of Lake County his report and proceedings in writing, accompanied by a plat of the District, which report shall set forth the starting point, the route and termini of the levees, structures and improvements recommended to be constructed, profiles showing the height and section of the proposed improvements, the elevations of various portions of said District, the boundaries of the District, the location of each tract of land therein, the names of the owners thereof and the number of acres in each tract, together with the estimated cost of the improvements and such other facts and recommendations as may be deemed material. Said report and plat of the engineer shall also show the location of the proposed levee, or levees, and improvements with respect to the tracts of land traversed by same, together with number of acres of right-of-way on and across each tract which will be required for the construction of said improvements.

SECTION 10. That, after the report of the engineer shall have been filed with the Clerk of the County Court, the County Court shall set a day for the hearing of objections of owners of lands within the District, to the plan set out in said engineers report, for the construction of the proposed levee or levees and improvements, and also for the hearing of claims of persons claiming damages by reason of the construction of said improvements, or compensation for lands proposed to be taken for rights-of-way needed for said improvements, and any person claiming such damages or compensation shall file such claim in the office of the County Court Clerk at least three days prior to the day set for said hearing, and on failure to file such claim at the time specified shall be held to have waived any rights to such damages or compensation; provided, if such person be a infant or non compos mentis, and without regular guardian and the facts are made to appear by affidavit, the Court shall appoint a guardian ad litem for such person, who may file such claim for damages, if deemed proper, for the person so under disability, within the time above allowed, or within three days after he shall have been so appointed.

SECTION 11. That publication in a newspaper published in Lake County for two consecutive weeks, of the time and place for said hearing, shall be sufficient notice to the persons concerned as owners, lien holders, encumbrancers, mortgagees, occupants, or in any other way, whether residents or nonresidents of the State, the last publications to be at least ten days before the date set for such hearing; and such notice by publication shall have the same force and effect upon those concerned, as aforesaid, who are residents of the State, as well as non-residents, for all purposes of the proceedings, as process would have duly issued from the Court and served, personally upon them by an officer, and such publication notice need not give the names of the persons thus notified to appear, but need give only a brief statement of the purpose of the hearing, before what Court the petition is to be heard, and the time and place of the hearing; or if the County Court of Lake County shall see proper, said Court may order the Clerk of the Court to issue a

summons or writ, or notice, to the Sheriff of the County, said writs to run in the name of the State, commanding the Sheriff to summons the persons named in said writ to appear before the Court on the day set by it for said hearing, and in such case, said writ, summons or notice shall name therein to be served the owners of all the tracts or lots of land in the District, as shown by the engineer's report, or by affidavit filed, and also any lien holders or encumbrancers of any land in said District, and may include persons in actual occupancy of the lands, and shall notify them of the hearing and the purposes thereof, making reference to the report of the engineer being on file as aforesaid. Either method of giving notice may be used, and either shall be equally effective.

If such writ notice is issued, it shall be served at least ten days before the time set for the hearing, but said writ shall not be issued or served upon any of the persons hereinbefore described who shall file with the Clerk a statement in writing signed by such party entering his appearance at said hearing and waiving any additional notice, or the service of the writ may be acknowledged.

In case such owner, lien holder, encumbrancer or other person interested is a non-resident of the State, or his name cannot be ascertained after diligent inquiry, then publication shall be made for such party for two consecutive weeks in some newspaper of Lake County, notifying him of said hearing and the purposes thereof, the last publication to be at least ten days before the time set for said hearing, in the same manner as set out heretofore in this Section. Proof of such publication may be made as provided by law in chancery cases. Who are actual owners, encumbrancers, or interested parties, may be made to appear to the Clerk by the affidavit of any person acquainted with the facts.

If at the time set for the hearing it shall appear to the court that any person entitled to notice as provided has not had such notice, the hearing may be adjourned until such person may be given notice, and the court shall not lose jurisdiction of the subject matter or of the person already properly notified, by such adjournment or postponement.

SECTION 12. That all claims for damages or for compensation for lands taken for right of way, and objections to the plan for such improvements as shown in the engineer's report, shall be in writing and filed with the Clerk at least three days before said hearing. If any such claims for damages or compensation for right of way have been filed, as required above, the Court shall appoint three viewers to assess such damages, who shall be disinterested freeholders of the county, and not related to any party claiming damages nor interested in the proposed improvement, and the engineer shall accompany said viewers and furnish such information as may be called for by them concerning the survey of said improvements.

The viewers appointed to assess damages, after being duly sworn to act impartially and faithfully to the best of their ability, shall proceed to view the premises and determine and fix the amount of damages to which each claimant is entitled, and file a report, or reports, in writing with the County Clerk, showing the amount of damages each claimant would be entitled to because of the construction of the proposed improvement, or compensation or damages by reason of the appropriation of lands for right of way, or earth rights.

The report of the viewers shall be filed as soon as practicable, and if any one or more of them fail or refuse to act, or does not proceed to act with promptness, the court may appoint another or others in the place of the one or more so failing or refusing to act.

In estimating the damages the viewers shall give the value of the land proposed to be taken without deduction, but incidental benefits which may result to the owner by reason of the proposed improvements may be taken into consideration in assessing the incidental damages.

SECTION 13. That after the filing of the report of the viewers, and of objections of property owners to the proposed plan, the Court may, on the date set for said hearing, or any other day to which the hearing may be adjourned, hear any proof that may be submitted by any persons interested in said proceedings, and upon the full hearing and consideration of the claims, reports and evidence, if in its judgment the probable cost of constructing said improvements is not a greater burden than should properly be borne by the lands benefitted by such improvements and the improvements are conducive to the public health, welfare, benefit and utility, the Court shall adjudicate all questions and enter a decree approving the plans recommended for said improvements, and directing the Directors to proceed with the execution of said plan. The Court shall also proceed to determine the amount of damages sustained by each claimant and may increase or diminish the amount awarded by the viewers, as may seem just and right. The Court shall by said decree, enter a proper order of condemnation, showing that all such lands needed for said improvements are appropriated and belong to the District for all its necessary purposes. Any party aggrieved at the decision of the County Court may appeal there-from to the Circuit Court of Lake County, by filing with the Clerk of the County Court a bond with good security in such amount as the Court may fix; provided, however, that such appeal taken and prosecuted from the judgment of the County Court awarding damages, shall not prevent the work of the District, being proceeded with, nor with the

immediate appropriation, condemnation and use of the lands in question, if the District, or the Directors, or any one or more of the land owners interested, will pay, or tender the damages assessed, or will give bond, with good security payable to the party awarded damages, in double the amount of damages awarded and such costs as may be awarded on appeal.

SECTION 14. That the Levee District by and through its Board of Directors may, if deemed preferable, exercise the right of eminent domain and acquire real estate needed for said levee and improvements by a proceeding in the Circuit Court of Lake County, according to the procedure provided for the taking of land for railroads, roads and other works of internal improvement, as provided in Section 3109 to 3170 of the 1932 Code of Tennessee, instead of adopting the method first set out, said remedies being accumulative and not exclusive.

SECTION 15. That if, at such hearing the County Court is of opinion that the recommended plan for improvement is not for the best interest of the District, it may order the engineer, or a new engineer appointed by it, if deemed advisable, to make further examination and report to the Court as to said improvements, in which event the hearing shall be continued until the filing of such further report, or the Court may modify the plan, in such particulars as it may consider for the best interest of the District and enter a decree accordingly.

SECTION 16. That the County Court shall appoint three commissioners, one of whom shall be a competent engineer, either a resident or non-resident of the county, and two of whom shall be freeholders of the county, not living within the levee district and not interested therein, or in a like question, nor related to any party whose land is affected thereby, and said commissioners shall, as soon as practicable after their appointment, and after being sworn to perform their duty faithfully and impartially to the best of their ability, inspect and classify all the lands benefitted by the improvements proposed to be constructed in a graduated scale of benefits, naming the tract or tracts of each owner and so classifying the same, each tract to be numbered according to the benefit received, as below provided, by the proposed improvement.

SECTION 17. That said commissioners shall make an equitable apportionment and assessment of the cost, expenses, cost of construction, fees and damages assessed for the construction of any such improvements, and make report in writing thereof to the County Court. In making said assessment and apportionment, the lands receiving the greatest benefit shall be marked on scale of one hundred, and those benefitted in a less degree shall be marked with such percentage of one hundred as the benefit received bears in proportion thereto. This classification, when finally established, shall remain as a basis for all future assessments connected with the objects of said levee district, unless the County Court, for good cause, shall authorize a revision thereof.

In making such classification, said commissioners are authorized to divide the land of the owner lying in one body into more than one tract, and classify such subdivision thereof, if they are of opinion that portion of such tract will be more benefitted than other portions, and especially when such entire tract is a large one, and that it will be more equitable and just to so classify it in subdivisions. In the report of such commissioners they shall specify each tract of land by boundaries or brief description and the ownership thereof as the same appears on the tax books of the county or as the same has been previously adjudged in the proceeding. Whenever any public highway is beneficially affected by the proposed improvements, the Commissioners shall make a lump sum assessment, according to benefits accruing and such assessments shall be paid by the Board of Highway Commissioners of Lake County, or by the county. Said assessment shall be made on the basis of benefits accruing to the public highways within the district as compared to and in proportion to the benefits accruing to other lands in said district.

SECTION 18. That, any objection to such assessment and apportionment shall be filed in writing with the County Court Clerk on or before noon of the day the matter of said assessment and apportionment is set for hearing by the Court. The assessment may be made without notice, as taxes are assessed without notice in such cases, but publication shall be made in some newspaper published in the county, for two consecutive weeks, notifying all parties concerned in any way, of the date set for hearing said matter of assessment and apportionment by the Court, when they may be heard, if they desire; the last of said publications shall be at least five days before the day set for the hearing, and said publication to be in lieu of and instead of, notice personally served, but shall not give the name of the parties, but only a brief statement of the date and purpose of such hearing.

When the day set for the hearing shall have arrived, and the hearing is not continued by the Court for good reason, as it may be, the County Court shall proceed to hear and determine all exceptions or objections made and filed to said report or any parts thereof, as may appear to the Court be just and equitable; and the County Court shall assess such apportionments so fixed by it upon the lands within such levee district.

If the first assessment made by the Court for the original cost of the improvement as provided is

sufficient, or additional improvements are needed from time to time, by reason of new situations arising, the Court may make additional assessments in the same ratio as the first.

If for any reason the Court annuls or sets aside such report of the commissioners, it may order them to make a new report, or may remove them and appoint new commissioners to act as in the first instance.

SECTION 19. That the assessment shall be levied upon the lands of the owners so benefitted in the ratio aforesaid and shall be collected in the same manner as taxes for county purposes, except as herein specially provided, and the funds so collected shall be kept as a separate fund, and shall be paid out only for the purposes properly connected with such improvement and on the order or warrant of the Chairman of the County Court, or Chairman pro tem, in the event that the Chairman is incompetent or cannot act at the time.

SECTION 20. That an appeal may be taken to the Circuit Court of Lake County from the order of the County Court fixing the assessments or benefits upon the lands in the same manner and time as herein provided for appeals from the assessment of damages.

Any land owner, tenant or encumbrancer who appeals from such order fixing the assessment of benefits shall execute bond, with good security, for costs and damages, in such amount as the Court may fix, and the oath provided by law for poor persons shall not be allowed in lieu of such bond.

Such appeal shall not prevent the collection of such assessments being proceeded with, nor stay such collection in any way, if the district or any land owner execute bond with good security, payable to such appellant, and conditioned to hold such appellant harmless against loss, and to abide by and perform the judgment of the Court, if such appeal is successfully prosecuted.

If the County Court shall determine that the estimated cost of the levees and improvements is greater than should be levied in a single year upon the lands benefitted, the Court may fix the amount that shall be levied and collected each year, and may issue levee bonds of the county, bearing not more than six per centum annual interest, said interest payable semiannually, and may devote the proceeds of such bonds to the payment of the expenses and work as it progresses, or to the payment of the cost of rights of way, and other expenses. The County Court may issue and sell either bonds or, time warrants, or notes, for the purpose of raising funds with which to pay for said improvements, rights of way, and other necessary expenses, and should the cost of such work exceed the estimate, a new apportionment of the assessment may be made and levied and other bonds, warrants or notes, issued and sold in like manner, but in no case shall said obligations run longer than twenty years.

SECTION 21. That the terms and times of payment of the bonds or other obligations, so issued shall be fixed by the Board of Directors of the district, and such bonds or other obligations shall be signed by the Chairman of the County Court and countersigned by the Clerk of said County Court, and shall be verified either by the county seal or seal of the County Court Clerk. Any bonds so issued shall be issued for the benefit of the district and shall show in the face thereof that they are to be paid only by assessments levied and collected on the lands within the district, and shall be issued in such denominations and with such maturities as may be fixed in the resolutions adopted by the Board and approved by the County Court, and said bonds and the assessments levied on the land of the district to pay same, shall be liens on said lands in the district.

SECTION 22. That all matters involving the disposition of the proceeds of bonds, or other obligations so to be issued, and moneys collected by assessments on said lands, the compensation of the County Trustee for receiving, collecting and disbursing such moneys, the compensation of engineers, Counsel, and other employees and officials, and all other details connected with the administration of the affairs of the district, including the procedure for collecting taxes and assessments, delinquent, or otherwise, shall be regulated by the general levee and drainage laws of the State as contained in Sections 4216 to 4406 of the Code of 1932, in so far as such sections are applicable and not inconsistent with specific provisions of this Act: Provided, however, that the Board of Directors are authorized to fix the compensation of viewers, appraisers and other employees at a greater or less sum than the rate of pay fixed in said Code, if the circumstances warrant same.

SECTION 23. That contracts may be let for the proposed improvements as a whole or in sections or installments, or, if the Board of Directors elect to construct some or all of said improvements by force account, they may do so. The Board may, by resolution, determine the manner and terms governing the making of said improvements.

SECTION 24. That the Madrid Bend Levee District is hereby, vested with jurisdiction and control over, the existing levee, including earth levees, sand bag levees, mud box levees, and the entire levee system, extending from the terminum of same near Slough Landing downstream, passing Cates Landing and Bessie to the terminus of same northeast of Bessie, near Kirby's South boundary line, subject to any and all rights existing in the Mississippi River Commission, or the Federal Government.

The Levee District is empowered to co-operate with the Mississippi River Commission, and all Federal or other agencies and to make contracts with them, for the purpose of restoring, reconstructing, enlarging and extending said levee, and for the construction of any other levees needed and for the protection of the lands in said district.

Said levee district is authorized to acquire and furnish for the use of the Mississippi River Commission, or other agencies, all rights of way and earth rights for the construction and reconstruction of levees, by purchase, gift or condemnation, whether within or without the boundaries of said district, for all the necessary purposes of the project.

SECTION 25. That it shall be unlawful for any person, or corporation, in any way to damage, injure, obstruct, or trespass upon said existing levee, or any levee to be constructed in the future by said district or said co-operating agencies, or to interfere with the maintenance of same, and any person or corporation violating this section shall be guilty of a misdemeanor and be fined not less than Ten nor more than Fifty Dollars, and may be enjoined and restrained from so interfering with or damaging said levee by the Chancery or Circuit Courts having jurisdiction of the subject matter.

SECTION 26. That the Madrid Bend Levee District, by and through its Board of Directors, is authorized to co-operate with any levee board, or other agency having in charge the control of the Western Point Dike, in Fulton County, Kentucky, so as to connect the levees in Kentucky and Tennessee, and form one continuous system, and to make contracts for the mutual benefit of the overflowed areas in both States.

SECTION 27. That the powers herein conferred on said Levee District created by this Act are not limited to the provisions hereof, and said Levee District and its Board of Directors are hereby clothed with such additional authority as may be necessary in order to carry out the general purposes and powers set out in this Act, including all powers vested in improvement districts under the general Levee and Drainage laws of Tennessee, as set out in the 1932 Code of Tennessee, or any amendments thereto, not in conflict herewith.

SECTION 28. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 29. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 3, 1937.

Reelfoot Lake Regional Utility and Planning District

Public Acts of 1983 Chapter 222

COMPILER'S NOTE: The following act is a public act of special application and is not codified in Tennessee Code Annotated.

SECTION 1. Creation -- Purpose. -- (a) There is hereby created the Reelfoot Lake Regional Utility and Planning District in the counties of Lake and Obion.

(b) This District is intended to secure economic benefits to the above counties and to the cities of Tiptonville and Samburg by providing for sewer and other utilities in the District and by providing for a District with powers for planning and other related activities to preserve Reelfoot Lake.

(c) The boundaries of the District are as follows:

An area comprising the central portion of Lake County and the west central portion of Obion County including the municipalities of Tiptonville and Samburg. The area being more specifically as shown on the illustration below and approximately described as follows: Beginning at point "A" (36 degrees 23' 28" Lat., 89 degrees 31' 07" Long.) on the east levee of the Mississippi River; thence in a southern direction along the river levee to point "B" (36 degrees 21' 24" Lat., 89 degrees 31' 21" Long.); thence easterly to point "C" (36 degrees 21' 15" Lat., 89 degrees 22' 16" Long.); thence northeasterly to point "D" (36 degrees 23' 53" Lat., 89 degrees 18' 50" Long.); thence northwesterly to an east bank of Reelfoot Lake at point "E" (36 degrees 24' 33" Lat., 89 degrees 20' 03" Long.); thence in a southwest direction following the southern shore of Reelfoot Lake to point "F" (36 degrees 24' 40" Lat., 89 degrees 26' 36" Long.) thence to the point of beginning.

SECTION 2. Effective date -- This Act shall take effect upon becoming law, the public welfare requiring it.

SECTION 3. General Implementing Powers. -- The District created pursuant to the provisions of this chapter shall be vested with all the powers necessary and requisite for the accomplishment of the purpose for which such District is created, capable of being delegated by the legislature. No enumeration of

particular powers herein created shall be construed to impair or limit any general grant or power herein contained. This district is empowered to do all acts necessary, proper or convenient in the exercise of the powers granted herein.

SECTION 4. Exemption From State Regulation -- Neither the public service commission nor any other board of commission of like character hereafter created shall have jurisdiction over the District in the management and control of any system, including the regulation of its rates, fees, tolls or charges.

SECTION 5. Powers in Carrying Out Purposes -- Services By Cities Or Towns. -- (a) The District created pursuant to this chapter shall have the power

- (1) To sue and be sued;
- (2) To have a seal;
- (3) To acquire by purchase, gift, devise, lease or exercise of the power of eminent domain or other mode of acquisition, hold and dispose of real and personal property of every kind within or without the District, whether or not subject to mortgage or any other liens;
- (4) To make and enter into contracts, conveyances, mortgages, deeds of trust, bonds or leases;
- (5) To incur debts, to borrow money, to issue negotiable bonds and to provide for the rights of holders thereof;
- (6) To fix, maintain, collect and revise rates and charges for any service; (7) To pledge all or any part of its revenues;
- (8) To make such covenants in connection with the issuance of bonds, or to secure the payment of bonds, that a private business corporation can make under the general laws of the state, notwithstanding that such covenants may operate as limitations on the exercise of any power granted by this chapter;
- (9) To use any right-of-way, easement or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of a utility, held by the state or any political subdivision thereof, provided that the governing body of such political subdivision shall consent to such use;
- (10) To apply for or accept grants, loans or other financial assistance from any federal, state, county or municipal agency in aid of the acquisition, planning, development, management or operation of the lands, improvement to lands, or facilities provided for herein;
- (11) To enter upon any lands 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 of the District; provided, however, the District shall be liable for any damages caused thereby.

(b) The powers of the District shall be vested in and exercised by a majority of the members of the board of directors of the District.

(c) The District is empowered to conduct, operate and maintain a system, or systems, for the furnishing of water, sewer, sewage disposal, natural gas, natural gas storage and related activities, liquefied natural gas storage and related activities, liquid propane gas storage and related activities and other gaseous storage and related facilities, artificial gas, garbage collection and garbage disposal, street lighting, parks and recreational facilities.

(d) Incorporated cities and towns within the District or within five miles of the District boundary shall lose their right to provide the utilities under the following conditions:

- (1) Where an agreement cannot be reached, the Utility District, by a resolution setting out the area to be served and the type of utility, shall notify the city or town of its intention to serve the area;
- (2) After receipt of such notice, the city or town shall have sixty (60) days in which to adopt an appropriate ordinance or resolution determining to serve the area within a specified time; the Utility District may within ten (10) days appeal to the county executive of the county in which the major part of the land area is located if it considers the time so determined is too long, whereupon the county executive after hearing both parties shall determine a reasonable time for the city or town to provide the services, and further appeal may be taken by either party to the Chancery Court of the county affected.
- (3) Upon failure of the city or town to provide the services within the time so determined, or to adopt an ordinance or resolution within the 60-day period, the Utility District shall be authorized to serve any part of the area not already served by the city or town.

(e) The District shall have powers for zoning and planning, land use control, situation and drainage control and lake management control within the District but subject to the provisions of paragraph (f).

(f) Where the powers expressed in paragraph (e) have been delegated to another governmental entity, the District shall exercise these powers only with the consent of such governmental entity. The District, by resolution setting out the powers to be exercised under paragraph (e), shall notify the appropriate governmental entity of its intention to exercise such power, and after receipt of such notice, such governmental entity shall consent or object to the exercise of same by the District, and if no action is taken within one hundred twenty (120) days from the receipt of such notice, there shall be a conclusive presumption that such governmental entity consented to the exercise of such power by the District.

SECTION 6. Contracts. -- All contracts of the District shall be entered into and executed in such manner as may be prescribed by statutes, regulations and procedures governing contracting by county governments; but no contract or acquisition by purchase of equipment, apparatus, materials or supplies involving more than five hundred dollars (\$500), or for construction, installation, repair or improvement of the property or facilities involving more than five hundred dollars (\$500) shall be made except after such contract has been advertised for bids, provided that advertisement shall not be required when an emergency arises and requires immediate delivery of the supplies or performance of the service.

SECTION 7. Eminent Domain. -- The District is hereby authorized and empowered to condemn, in the name of the District, any land, easements, or rights-of-way in the boundaries of the District that, in the opinion of the board of directors, are necessary or convenient to carry out the purposes of this Act provided that the condemnation of such property shall first be approved by the legislative body of the county wherein such property is located. Title to property so condemned shall be taken by and in the name of the District, and the property shall thereafter be entrusted to the District for the purposes of this part. Such condemnation proceedings shall be in accordance with Chapters 16 and 17 of title 29 of the Public Acts of Tennessee. 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 District, 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 8. Funds and Funding. -- (a) Except as herein otherwise expressly provided, all bonds issued by the District shall be payable solely out of the revenues and receipts derived from the District's projects or of any thereof as may be designated in the proceedings of the board of directors under which the bonds shall be authorized to be issued, including debt obligations of the lessee or contracting party obtained from or in connection with the financing of a project; provided, that notes issued in anticipation of the issuance of bonds may be retired out of the proceeds of such bonds. Such bonds may be executed and delivered by the District at any time and from time to time may be in such form and denominations and of such terms and maturities, may be in registered form or in bearer form subject to registration as to principal or interest or both, may be payable in such installments and at such time or times not exceeding forty (40) years from the date thereof, may be payable at such place or places whether within or without the state of Tennessee, may bear interest at such rate or rates payable at such time or times and at such place or places and evidenced in such manner, may be executed by such officers of the District and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the board of directors whereunder the bonds shall be authorized to be issued. If deemed advisable by the board of directors, there may be retained in the proceedings under which any bonds of the District are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and as may be briefly recited in the face of the bonds, but nothing herein contained shall be construed to confer on the District any right or option to redeem any bonds except as may be provided in the proceedings under which they shall be issued. Any bonds of the District may be sold at public or private sale in such manner, at such price and from time to time as may be determined by the board of directors of the District to be most advantageous, and the District may pay all expenses, premiums and commissions which its board of directors may deem necessary or advantageous in connection with the issuance thereof. Issuance by the District of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds in connection with the same project or any other project, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for any prior issue of bonds. Proceeds of bonds issued by the District may be used for the purpose of constructing, acquiring, reconstructing, improving, equipping, furnishing, bettering, or extending any project or projects, including the payment of interest on the bonds during construction of any such project and for two (2) years after the estimated date of completion, and

payment of engineering, fiscal, architectural and legal expenses incurred in connection with such project and the issuance of the bonds, and the establishment of a reasonable reserve fund for the payment of principal of and interest on such bonds in the event of a deficiency in the revenues and receipts available for such payment.

(b) Any bonds or notes of the District at any time outstanding may at any time and from time to time be refunded by the District by the issuance of its refunding bonds in such amount at the board of directors may deem necessary, but not exceeding the sum of the following:

- (1) The principal amount of the obligations being refinanced;
- (2) Applicable redemption premiums thereon;
- (3) Unpaid interest on such obligations to the date of delivery or exchange of the refunding bonds;
- (4) In the event the proceeds from the sale of the refunding bonds are to be deposited in trust as hereinafter provided, interest to accrue on such obligations from the date of delivery to the first or any subsequent available redemption date or dates selected, in its discretion, by the board of directors, or to the date or dates of maturity, whichever shall be determined by the board of directors to be most advantageous or necessary to the District;
- (5) A reasonable reserve for the payment of principal of and interest on such bonds and/or a renewal and replacement reserve;
- (6) If the project to be constructed from the proceeds of the obligations being refinanced has not been completed, an amount sufficient to meet the interest charges on the refunding bonds during the construction of such project and for two (2) years after the estimated date of completion (but only to the extent that interest charges have not been capitalized from the proceeds of the obligations being refinanced); and
- (7) Expenses, premiums and commissions of the District, including bonds discount, deemed by the board of directors to be necessary for the issuance of the refunding bonds. A determination by the board of directors that any refinancing is advantageous or necessary to the District, or that any of the amounts provided in the preceding sentence should be included in such refinancing, or that any of the obligations to be refinanced should be called for redemption on the first or any subsequent available redemption date permitted to remain outstanding until their respective dates of maturity, shall be conclusive.

(c) Any such refunding may be effected whether the obligations to be refunded shall have then matured or shall thereafter mature, either by the exchange of the refunding bonds for the obligations to be refunded thereby with the consent of the holders of the obligations so to be refunded, or by sale of the refunding bonds and the application of the proceeds thereof to the payment of the obligations to be refunded thereby, and regardless of whether or not the obligations proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise.

(d) Prior to the issuance of the refunding bonds, the board of directors shall cause notice of its intention to issue the refunding bonds, identifying the obligations proposed to be refunded and setting forth the estimated date of delivery of the refunding bonds, to be given to the holders of the outstanding obligations by publication of an appropriate notice one (1) time each in a newspaper having general circulation in the area and in a financial newspaper published in New York, New York, and having national circulation. As soon as practicable after the delivery of the refunding bonds, and whether or not any of the obligations to be refunded are to be called for redemption, the board of directors shall cause notice of the issuance of the refunding bonds to be given in the manner provided in the preceding sentence.

(e) If any of the obligations to be refunded are to be called for redemption the board of directors shall cause notice of redemption to be given in the manner required by the proceedings authorizing such outstanding obligations.

(f) The principal proceeds from the sale of any refunding bonds shall be applied only as follows: either,

- (1) To the immediate payment and retirement of the obligations being refunded;

or

- (2) To the extent not required for the immediate payment of the obligations being refunded then such proceeds shall be deposited in trust to provide for the payment and retirement of the obligations being refunded, and to pay any expenses incurred in connection with such refunding, but provision may be made for the pledging and disposition of any surplus, including without limitation, provision for the pledging of any such surplus to the payment of the principal of and interest on any issue or series of refunding bonds. Money in any such trust fund may be invested in direct obligations of, or obligations the principal of and interest on which are guaranteed by the

United States government, or obligations of any District or instrumentality of the United States government, or in certificates of deposit issued by a bank or trust company located in the state of Tennessee if such certificates shall be secured by a pledge of any of said obligations having any aggregate market value, exclusive of accrued interest, equal at least to the principal amount of the certificates so secured. Nothing herein shall be construed as a limitation on the duration of any deposit in trust for the retirement of obligations being refunded but which shall not have matured and which shall not be presently redeemable or, if presently redeemable, shall not have been called for redemption.

(g) All such bonds, refunding bonds and the interest coupons, if any, applicable thereto are hereby made and shall be construed to be negotiable instruments.

(h) The principal of and interest on any bonds issued by the District shall be secured by a pledge of the revenues and receipts out of which the same shall be made payable, and may be secured by a mortgage or deed of trust covering all or any part of the projects from which the revenues or receipts so pledged may be derived, including any enlargements of and additions to any such projects thereafter made, and/or by an assignment and pledge of all or any part of the District's interest in and rights under the leases, sale contracts or loan agreements relating to such projects, or any thereof. The resolution under which the bonds are authorized to be issued and any such mortgage or deed of trust may contain any agreements and provisions respecting the maintenance of the projects covered thereby, the fixing and collection of rents or payments with respect to any projects or portions thereof covered by such resolution, mortgage or deed of trust, the creation and maintenance of special funds from such revenues and from the proceeds of such bonds, and the rights and remedies available in the event of default, all as the board of directors shall deem advisable not in conflict with the provisions hereof. Each pledge, agreement, mortgage and deed of trust made for the benefit or security of any of the bonds of the District shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid. In the event of default in such payment or in any agreements of the District made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage and deed of trust executed as security therefor, such payment or agreement may be enforced by suit, mandamus, the appointment of a receiver in equity, or by foreclosure of any such mortgage and deed of trust, or any one or more of said remedies.

(i) No bond authorized herein may be issued until the financial information provided for in T.C.A. 7-82-501(b) is submitted to the State Director of Local Finance and the provisions of said paragraph are complied with.

SECTION 9. Rates Sufficient To Pay Costs And Retire Bonds. -- The board of directors shall prescribe and collect reasonable rates, fees, tolls, or charges for the services, facilities and commodities of its system or systems, shall prescribe penalties for the nonpayment thereof, and shall revise such rates, fees, tolls or charges from time to time whenever necessary to insure that such system or systems shall be and always remain self-supporting. The rates, fees, tolls or charges prescribed shall be such as will always produce revenue at least sufficient:

- (1) To provide for all expenses of operation and maintenance of the system or systems, including reserves therefor; and
- (2) To pay when due all bonds and interest thereon for the payment of which such revenues are or shall have been pledged, charged or otherwise encumbered, including reserves therefor.

SECTION 10. Annual Audit -- Publication of Water And Sewer Rates And Annual Financial Statement. --

(a) The directors of the Utility District shall cause an annual audit to be made of the books and records of their District. The comptroller of the treasury, through the department of audit, shall be responsible for determining that such audits are prepared in accordance with generally accepted governmental auditing standards and that such audits meet the minimum standards prescribed by the comptroller. The comptroller shall promulgate such rules and regulations as are required to assure that the books and records are kept in accordance with generally accepted accounting procedures and that audit standards prescribed by the comptroller are met.

(b) Said audits shall be prepared by certified public accountants, public accountants or by the department of audit. In the event the board of directors of the District shall fail or refuse to have said audit prepared, then the comptroller may appoint a certified public accountant, or public accountant or direct the department of audit to prepare said audit, the cost of such audit to be paid by the Utility District.

(c) Within ninety (90) days after the close of the fiscal year of the District, the directors of the District shall publish in a newspaper of general circulation, published in the counties in which the District is situated, a statement showing:

- (1) The financial condition of the District at the end of the fiscal year;

- (2) The earnings of the District during that fiscal year just ended;
- (3) A statement of the rates then being charged by the District, and a brief statement of the method used in arriving at such rates.

(d) A copy of such annual statement and audit shall be filed with the county executives of Lake and Obion Counties, and a copy forwarded to the office of the comptroller of the treasury of the state of Tennessee. The failure to file such copies shall be a misdemeanor.

SECTION 11. Protest Of Rates -- Adjustment Of Complaints. -- (a) Within thirty (30) days of the date on which this statement is published, any water or sewer user of the District may file with the directors of the District a protest, giving reasons why, in the opinion of the water or sewer user, the rates so published are too high or too low. Within a period of fifteen (15) days after the end of this thirty (30) day period during which such protest may be filed, the directors shall notify each protestant of a hearing to be held by the directors on such protests as may have been filed within the thirty (30) day period prescribed. Upon the hearing date so fixed, which shall be some date within a period of sixty (60) days after giving such notices to the protestants, all such protests shall be heard together by the directors. After hearing and examining statements, exhibits and arguments of the protestants or their counsel the directors shall make and spread upon the minutes of the board their finding as to the reasonableness or unreasonableness of the published rates, and at the same time the board may increase or decrease such rates upon a finding that they are too low or too high, as the case may be.

The directors shall not be required to receive, consider or act upon any protest filed at any time other than within the thirty (30) day period provided in this section.

Any protestant feeling himself aggrieved by the final action of the directors under this section may obtain a review of the directors' action in the Chancery Court of Lake or Obion County through the common law writ of certiorari.

(b) It shall be the duty of the board of directors of the District to have and maintain a set of rules and regulations regarding the adjustment of all complaints which may be made to the District concerning the availability of utility services to persons in need thereof, the quality of service performed, the adjustment of bills, and all other complaints of any nature, with provision as to the manner of resolution of individual complaints, provision as to the types of complaints which may be resolved by salaried employees of the District, and those which may be resolved only by the board of directors. Such rules shall be posted or otherwise available for convenient inspection by customers and members of the public in the offices of the District, they shall provide for the office employees or other employees of the District to schedule for consideration by the board of directors any complaint of such nature as may be decided by the board under its rules and regulations, and also to schedule for consideration by the board of directors, the review of any complaint which shall not have been settled to the satisfaction of the customer or citizen by a salaried employee to whom the settlement of such complaint shall have been delegated.

SECTION 12. Planning Development. -- (a) The District shall develop a comprehensive development plan for the economic growth and residential, recreational, commercial and industrial development of Reel- foot Lake.

(b) In making such investigations necessary to the development of the comprehensive development plan and in formulating the comprehensive development plan, the District shall seek the assistance of federal, state and local agencies, and of private citizens and citizen organizations interested in the conservation and development of the resources of the area.

(c) The District may enter into contracts with municipalities, other public agencies or political subdivisions of any kind, corporations, public or private, or with others, for the construction of facilities, utilities, or for the provision of services within or in conjunction with development within the development lands, that the District determines are required for the development of the development lands or for the operation or management of such facilities.

(d) The District may develop, or provide for the development of, the development lands for recreational, residential, commercial and industrial purposes or for any other purpose consistent with this Act, and may provide for the development, management or operation of the development lands or facilities within such lands for these purposes, directly or by contractors, licensees, concessionaires, lessees or vendees.

(e) The District may sell or lease any development lands, or interests therein, for uses consistent with the District's development plan, for such consideration and on such terms as the District deems appropriate and necessary to effectuate the comprehensive development plan, and subject to such restrictions as the District deems necessary for the protection of the economic and environmental values within the area, including requirements related to: (1) the character or design of improvements and activities which may be undertaken on the development lands; (2) the time within which such improvements or activities shall be undertaken; and (3) the areas or places within such lands where such activities shall be undertaken.

(f) The District may acquire, construct or operate such facilities or other works of improvement, or may undertake such site development activities, as are necessary or convenient to effectuate its plans for the comprehensive development of the area.

(g) The District may enter into contracts with any city, county, municipal or other supplier of utilities, for the abandonment, relocation, reconstruction, maintenance or other adjustment of roads, highways, bridges, utility lines or other facilities in, on, over or across the development lands or such areas adjacent thereto as may be necessary or convenient to carry out the purposes of this Act.

(h) The District may acquire, construct, operate and maintain such public roads in, on, over or across the development lands or such areas adjacent thereto as may be necessary or convenient to carry out the purposes of this Act.

SECTION 13. Contributions By Counties. -- The counties represented on the board of directors are hereby authorized and empowered:

(1) To contribute to the public works of the District any amount or amounts of money that their respective governing bodies, acting in their sole discretion, shall approve to be paid from the general fund of the respective county. The county legislative bodies shall be empowered to levy and collect ad valorem taxes for such purposes, which are hereby declared to be for county public purposes.

(2) To issue their bonds as provided in Tennessee Code Annotated, Sections 5-11-101 through 5-11-125, to obtain funds for the financing of public works by the District, or to secure advances made to the District for the construction of public works pursuant to cooperative agreements with the District.

SECTION 14. Exemption From Taxation. -- So long as the District shall own any system, the property and revenue of such system shall be exempt from all state, county and municipal taxation. Bonds issued pursuant to this chapter and the income therefrom shall be exempt from all state, county and municipal taxation, except inheritance, transfer and estate taxes, and it shall be so stated on the face of said bonds.

SECTION 15. Board of Directors -- Appointment -- Vacancies -- Eligibility. -- (a) Membership of the board of directors shall consist of one member each appointed by the governing bodies of Lake and Obion Counties and of the cities of Tiptonville and Samburg and a fifth director to be appointed by them their directors. The fifth director may not hold office for more than one term unless he receives at least three votes from the other directors. In addition, the county executives of Lake and Obion Counties shall serve as ex officio members of the board. (b) The terms of office for the board of directors shall be for four years for each director except for the initial term of office which shall be as follows:

(1) The director appointed by the town of Tiptonville, and the director appointed by the other members of the board of directors, shall serve an initial term of one year;

(2) The director appointed by the town of Samburg shall serve an initial term of two years;

(3) The director appointed by the county of Obion shall serve an initial term of three years; and

(4) The director appointed by the county of Lake shall serve an initial term of four years.

(c) In the event of failure to elect a successor to any member of the board, the member 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 of the board, or his inability to serve prior to the expiration of his term, his successor shall be appointed for the unexpired term by the body who appointed him.

(d) Any person at least twenty-five (25) years of age who has resided in Lake or Obion County for a period of at least one year immediately preceding his election, shall be eligible to serve as a member of the board of directors of the District. Any director who ceases to regularly reside within Lake or Obion County shall automatically become ineligible to serve in said office.

SECTION 16. Compensation of Directors -- Delegation Of Powers -- Officers -- Records. -- (a) The members of the board, except as provided in subsection (b), shall serve without compensation for their services, but shall be entitled to reimbursement for all expenses incurred in connection with the performance of their duties. The board may delegate to one or more of its members or to its agents and employees such powers and duties as it may deem proper, but at its first meeting and at the first meeting of each calendar year thereafter it shall elect one (1) of its members to serve as chairman, and another of its members as secretary of the board. The secretary shall keep a record of all proceedings of the board which shall be available for inspection as other public records, and shall be custodian of all official records of the District.

(b) The members of the board of directors shall be entitled to receive compensation for their services for each days' attendance of the meetings of said board and the performance of their official duties in an amount not to exceed the compensation paid to members of the Legislative Body of Lake County, Tennessee, for attending meetings of the County Legislative Body. The amount of compensation shall be fixed by the board of directors, but the same shall not exceed the amount provided for above, nor shall the amount of compensation paid to each of the directors exceed One Thousand Dollars (\$1,000.00) per annum.

SECTION 17. Powers of Directors. -- (a) The board of directors of the District shall have power and authority:

- (1) To exercise by vote, ordinance or resolution all of the general and specific powers of the District;
- (2) To make all needful rules, regulations and by-laws for the management and the conduct of the affairs of the District and of the board;
- (3) To adopt a seal for the District, prescribe the style thereof, and alter the same at pleasure;
- (4) To lease, purchase, sell, convey and mortgage the property of the District and to execute all instruments, contracts, mortgages, deeds or bonds on behalf of the District in such manner as the board shall direct.
- (5) To inquire into any matter relating to the affairs of the District, to compel by subpoena the attendance of witnesses and the production of books and papers material to any such inquiry, to administer oaths to witnesses and to examine such witnesses;
- (6) To appoint and fix the salaries and duties of such officers, experts, agents and employees as it deems necessary, to hold office during the pleasure of the board and upon such terms and conditions as the board may require;
- (7) To accept donations to the District of cash, lands or other property to be used in the furtherance of the purpose of this part;
- (8) To accept grants, loans, or other financial assistance from any federal, state, county or municipal agency, or other aid for the acquisition or improvement of any of the facilities of the District;
- (9) To establish schedules of tolls, fees, rates, charges, and rentals for the use of the properties and facilities under its jurisdiction, and for services which it may render;
- (10) To do all things necessary or convenient to carry out its function.

(b) Except as otherwise expressly provided in this part, the directors shall have full and exclusive control of and responsibility for the administration of properties and facilities constructed or acquired pursuant to this part; provided, however, that the District may lease or license lands or facilities under its jurisdiction for operation by private persons or corporations; provided further, however, that this subsection shall not be construed or authorize the directors to exercise such authority in a manner inconsistent with the statutes, regulations and procedures governing such manners in county government.

SECTION 18. Prohibition Of Disposal Of Waste By Certain Means -- Penalty. -- At such time as a sewer system is constructed by the District, it shall thereafter be unlawful for any person or corporation to use any method of disposing of human waste other than by the sewer system provided that the property of such person or corporation abuts on any street, alley, or right-of-way in which there is located a sewer line. Any person or corporation who violates the provisions of this section is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00). Each day that the provisions of this section are violated shall constitute a separate offense.

SECTION 19. Severability. -- That if any part, clause, sentence, paragraph or section 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 the Act, now withstanding any part held to be invalid.

Passed: April 27, 1983.

Reelfoot Levee District

Private Acts of 1921 Chapter 905

WHEREAS, by decree of the County Court of Lake County, Tennessee, presided over by the Chairman or

Chairman pro tempore thereof, made on February 16, 1920, and entered at pages 43 to 49 inclusive, of Levee and Drainage Record No. 1, being one of the minute books of said Court, an improvement district was organized and established under the name and style of the "Reelfoot Levee District of Lake and Obion Counties in the State of Tennessee," including within its boundaries certain lands in the Counties of Lake and Obion which are subject to and affected by the floods and overflows of the Mississippi River, and said boundaries being as hereinafter set out in detail, the said decree and pro-ceedings being had under and pursuant to Acts of the General Assembly of Tennessee of 1909, Chapter 185, and subsequent Acts amendatory thereto, commonly referred to as the Levee and Drainage Law, governing the establishment of Levee and Drainage Districts for the reclamation of low, swamp and overflowed lands; and

WHEREAS, the various proceedings required by said Levee and Drainage Laws for the organization and establishment of such improvement districts, from the filing of the petition seeking the establishment of said district down to the point in such proceedings where assessments have been made and levied against the various tracts of land in the district to pay the cost and expense of the cause and of the improvements sought to be constructed and ordered constructed therein, and down to the point where bonds are ready to be issued and sold; and all parties having an interest in said proceedings having been brought before the Court by notice, process or publication, and due notice having been given to all property owners and others interested in each of the steps in said proceedings as required by law, as shown by the record in said cause, entitled, "In Re Reelfoot Levee District," and as shown by the minutes of said County Court of Lake County, to which reference is hereby had for all purposes necessary or desired; and

WHEREAS, the said "Reelfoot Levee District" was established for the purpose of protecting the lands, and property, in said district, from the floods and overflows of the Mississippi River, by the construction of levees or dikes and by the enlargement and improvement of existing levees within said district, and particularly by the enlargement and improvement of existing levees within said district, and particularly by the enlargement and improvement of so much of the Reelfoot Levee, or Hickman Slough Landing Levee, as lies south of the Kentucky-Tennessee State line, which portion of said levees was originally built by the County of Lake, and by said County transferred to said district for improvement and control; and

WHEREAS, the Mississippi River Commission, an agency of the Federal Government, by virtue of certain Acts of Congress including what is known as the Flood Control Act, is empowered to assist localities along the Mississippi River in constructing and enlarging levees, and has assisted said Levee District by paying two-thirds of the cost of work already done or under contract, and is authorized to further assist in building banquettes on, and enlarging said Reelfoot Levee, on condition, that said district contribute and pay for one-third the cost of said enlargement and improvement work, with the understanding that the amount furnished by the district will be paid over to said Mississippi River Commission and expended by the latter under contracts to be made by said River Commission; and

WHEREAS, it is probable, that further aid may be secured by co-operating with State and County agencies, such as the Highway Departments and the Department of Game, Fish and Forestry, in enlarging and improving the levee separating Reelfoot Lake from the washout and other levees; therefore,

SECTION 1. That the said "Reelfoot Levee District" through its Board of Directors and with the approval of the Chairman of the County Court of Lake County, which Court has jurisdiction in said matter, is hereby authorized and empowered to co-operate with said Federal, State and County agencies, for the construction and improvement of said levees referred to above, and is particularly authorized to make contracts with said Mississippi River Commission, or its representatives, for the construction, enlargement and strengthening of said Reelfoot Levee, or other improvements necessary for the protection and reclamation of the lands and property within said district, and to pay over to said River Commission, or other agencies such amounts as may be deemed necessary, or as may be required by law, or the regulations of said Mississippi River Commission, in order to secure the benefits of said Federal, or other funds; and all agreements heretofore made with said Mississippi River Commission for the recent construction of said improvements and enlargements, and banquettes, including contracts let and not completed and all payments of money on account thereof to said River Commission by said district, or by individual property owners in said district in contemplation of the formation of said district, are hereby ratified, confirmed and validated.

SECTION 2. That all funds heretofore advanced by Lake County, and by individuals or corporations who own land or property subject to assessment in said district in contemplation of the organization of said district, including preliminary expenses, cost of right-of-way, construction work and all moneys paid said Mississippi River Commission, shall be refunded to said contributors out of the proceeds of the sale of bonds, or said amounts so paid may be allowed as credits against any assessments made, or hereafter to be made, against the lands or property of said parties so making said advancements.

SECTION 3. That said Reelfoot Levee District, through its Board of Directors, and with the approval of the Chairman, or Chairman pro tempore, when acting in the place and stead of the Chairman of the County

Court of Lake County, is hereby authorized to make contracts with the Highway authorities of the State and of Lake County, and with the State authorities having charge of Reelfoot Lake, and other State and County agencies, for the purpose of enlarging and improving the existing levee separating Reelfoot Lake from the washout, and, said district is authorized to expend so much of the funds of said district as may be deemed necessary to construct said levee, or other levees, to the grade and section required to prevent the floods of the Mississippi River from entering said lake, or the Reelfoot Lake Basin, if the Directors and the Court deem it for the best interests of said district.

SECTION 4. That the various proceedings, orders and decrees made and had in the matter of Reelfoot Levee District, pending in said County Court of Lake County, including among other things, the order appointing a Civil Engineer, and action on his report, notices and publications, decrees of organization, order condemning land for levee right-of-way, the appointment of Commissioners to classify, and make assessments on the lands in said district for the purpose of defraying the costs, expenses, costs of construction, fees, damages, and other costs incident to said proceedings, the decree acting on the report of Commissioners and the levy of assessments, the appointment of Directors, the making of an assessment roll, as well as all other proceedings, orders and decrees had, and promulgated in said cause as shown by the record in the cause and the minutes of said Court as contained in the Levee and Drainage Record, Vol. 1, of said Court, up to the date of the passage of this bill, are in all things recognized as valid, and not subject to attack or impeachment either directly or collaterally, and if by inadvertence, there has been a non-compliance with the law in any of its details, or if there be any irregularities in any of said proceedings, the same are hereby waived, and the organization of said levee district and all order prior to, or subsequent to the decrees of organization, are in all things validated.

SECTION 5. That the boundaries of said Reelfoot Levee District of Lake and Obion Counties, in the State of Tennessee, as set out in said decree of organization, and as therein and herein, and hereby located and established, are declared to be as following, to-wit: Beginning at a point near the bank of the Mississippi River at a point in the Kentucky- Tennessee State line, 740 feet west of the center of the Reelfoot levee, sometimes referred to as the Hickman Slough Landing, or Government levee, on the west side of Reelfoot Lake, which point is called Hub-O; running thence southeastwardly and southwestwardly with a line parallel with said levee and running 740 feet west of the same, following the various angles in said levee as follows:

S. 9 degrees 15 minutes E. 210 feet to Hub No. 1; S. 42 degrees 15 minutes E. 1,510 feet to Hub No. 2; S. 11 degrees 30 minutes W. 505 feet to Hub No. 3; S. 14 degrees 0 minutes W. 600 feet to Hub No. 4; S. 23 degrees 50 minutes W. 300 feet to Hub No. 5; S. 13 degrees 50 minutes W. 1,000 feet to Hub No. 6; S. 2 degrees 20 minutes E. 300 feet to Hub No. 7; thence S. 1 degree 35 minutes E. 400 feet to Hub No. 8; S. 7 degrees 0 minutes W. 400 feet to Hub No. 9; S. 9 degrees 30 minutes W. 400 feet to Hub No. 10; S. 13 degrees 10 minutes W. 300 feet to Hub No. 11; S. 3 degrees 30 minutes W. 1,100 feet to Hub No. 12; S. 4 degrees 0 minutes W. 589 feet to Hub No. 13; S. 9 degrees 30 minutes W. 510 feet to Hub No. 14; S. 25 degrees 45 minutes W. 801 feet to Hub No. 15; S. 4 degrees 0 minutes E. 439 feet to Hub No. 16; S. 15 degrees 0 minutes W. 1,739 feet to Hub No. 17; S. 23 degrees 0 minutes W. 732 feet to Hub No. 18; S. 32 degrees 55 minutes W. 868 feet to Hub No. 19; S. 24 degrees 35 minutes W. 954 feet to Hub No. 20; S. 36 degrees 0 minutes W. 524 feet to Hub No. 21; S. 40 degrees 10 minutes W. 2,222 feet to Hub No. 22; S. 36 degrees 0 minutes W. 966 feet to Hub No. 23; S. 29 degrees 45 minutes W. 445 feet to Hub No. 24; S. 33 degrees 0 minutes W. 2,137 feet to Hub No. 25; S. 54 degrees 20 minutes W. 460 feet to Hub No. 26; S. 41 degrees 45 minutes W. 803 feet to Hub No. 27; S. 49 degrees 45 minutes W. 1,789 feet to Hub No. 28; thence east 740 feet to the center of said Reelfoot Levee, at mile post 0-2, Hub No. 28 1-2, being the southern terminus of said levee, east of Slough Landing; thence south 63 degrees 0 minutes W. 200 feet to Hub No. 29, S. 23 degrees 15 minutes W. 301 feet to Hub No. 30; S. 3 degrees 0 minutes E. 775 feet to Hub No. 31; S. 31 degrees 15 minutes W. 1,250 feet to Hub No. 32; S. 9 degrees 45 minutes W. 4,475 feet to Hub No. 33 in the center of the public road leading north from Proctor City; thence S. 10 degrees 30 minutes W. 2,037 feet to Hub No. 34; being the northwest corner of the Proctor City School lot, where the road turns; thence S. with road 4 degrees 30 minutes E. 950 feet to Hub No. 35; thence south 48 degrees 45 minutes E. 3,000 feet to Hub No. 36 near Proctor City R. R. Station on the C. M. and G. R. R. thence S. 3 degrees 0 minutes E. 1,625 feet to Hub No. 37; thence S. 46 degrees 15 minutes W. 2,750 feet to Hub No. 38, just west of the N. W. point of Champey Pocket of Reelfoot Lake, thence running west of the shore of Reelfoot Lake S. 5 degrees E. 8,475 feet to Hub No. 39; thence S. 44 degrees 45 minutes E. 5,340 feet to Hub No. 40; thence S. 18 degrees 30 minutes W. 3,150 feet to Hub No. 41; thence S. 87 degrees 15 minutes W. 1,900 feet to Hub No. 42, where the road turns at the S. E. corner of the Tennison Tract; thence N. 39 degrees 30 minutes W. 2,350 feet to Hub No. 43 at the intersection of roads at J. M. Sudberry's S. W. corner; thence N. 84 degrees 30 minutes W. 3,125 feet to Hub No. 44; thence S. 78 degrees 15 minutes W. 4,700 feet to Hub No. 45 in the Tiptonville-Wymburg Road; thence N. 77 degrees 15 minutes W. 4,500 feet to Hub No. 46, standing east of the bank of the chute of the Mississippi River on the land of Mrs. J. C. Jackson; thence S. 52 degrees 15

minutes W. 6,862 feet, running east of said chute, to Hub No. 47; thence S. 15 degrees 15 minutes W. 3,700 feet to Hub No. 48; thence S. 3 degrees 15 minutes E. with the Tiptonville-Ridgely Road, 6,775 feet to Hub No. 49; thence S. 2 degrees W. 4,500 feet, with the road to Hub No. 50, at the point where the road turns east; thence S. 88 degrees E. 750 feet to Hub No. 51, to another turn in said public road; thence south 2 degrees 30 minutes E. 2,300 feet to Hub No. 52, the point where the public road intersect the Bayou at Mooring; thence N. 88 degrees 45 minutes E. 1,825 feet to Hub No. 53; thence S. 38 degrees 15 minutes E. 2,500 feet to Hub No. 54; thence S. 15 degrees E. 1,600 feet to Hub No. 55; thence S. 47 degrees 30 minutes E. 800 feet to Hub No. 56; thence S. 4 degrees 30 minutes E. 5,050 feet running with the road, to Hub No. 57; thence N. 81 degrees 15 minutes E. 12,625 feet, partly with the Madie Road, to Hub No. 58, N. E. of Madie Church; thence S. 3 degrees 30 minutes E. 3,450 feet to Hub No. 59 being the S. E. corner of the Mrs. Bessie Moss, or Glascock Tract; thence S. 45 degrees W. 17,750 feet to Hub No. 60, in the west boundary line of the C. M. and G. R. R. right-of-way, and south of the Horn Ridge school and cemetery lot; thence S. 5 degrees 15 minutes E. with the west line of the C. M. and G. R. R. right-of-way 4,350 feet to Hub No. 61, near B. T. LeDuke's S. W. corner; thence S. 3 degrees 15 minutes E. with the west line of said right-of-way 3,925 feet to Hub No. 62; south of Tank No. 2; thence north 87 degrees 15 minutes E. and with the County line dividing Obion and Dyer County, 18,700 feet to Hub No. 63, the S. E. corner of the S. J. Bradshaw tract, in said County line; thence running east of the Schatters of Reelfoot Lake, and east of Reelfoot Lake, and west of the Bluffs of Obion County, as follows: North 2 degrees E. 4,875 feet to Hub No. 64; in the center of the road; thence No. 6 degrees E. 5,755 feet to Hub No. 65; thence N. 27 degrees 45 minutes E. 2,275 feet to Hub No. 66; thence N. 4 degrees E. 5,525 feet to Hub No. 67; thence N. 31 degrees 30 minutes E. 3,812 feet to Hub No. 68; thence N. 17 degrees E. 12,350 feet to Hub 69; thence N. 22 degrees 15 minutes E. 8,575 feet to Hub No. 70; thence N. 44 degrees 45 minutes E. 2,150 feet to Hub No. 71 in the center of the Free Bridge Road, and west of Webb's store; thence N. 12 degrees E. 4,300 feet to Hub No. 72; thence N. 3 degrees 30 minutes E. 3,150 feet to Hub No. 73; thence N. 20 degrees 30 minutes E. 6,600 feet to Hub No. 74; thence N. 36 degrees E. 6,900 feet to Hub No. 75; thence N. 26 degrees E. 8,150 feet to Hub No. 76; thence N. 37 degrees about 4,200 feet across the lands of Taylor, Fitenbutts and Ransom, to Hub No. 77; thence N. 16 degrees 15 minutes E. 14,650 feet to Hub No. 78; thence N. 11 degrees W. 4,400 feet to Hub No. 79; thence N. 15 degrees E. 16,000 feet to the State line dividing Tennessee and Kentucky; thence in a westerly direction, along said State line, about 36,000 feet to Hub No. 0., the point of beginning. The foregoing description is intended to be identical with that in the decree of organization, recorded at pages 43-49 of said Levee and Drainage Record, and if there be any differences, the text of said decree shall govern.

SECTION 6. That the territory included within the boundaries set out in the foregoing section is hereby organized and established into an improvement district under the name and style of Reelfoot Levee District of the Counties of Lake and Obion in the State of Tennessee, and is hereby vested with all the power, authority and jurisdiction which is conferred upon levee and drainage districts under and by the terms of said Chapter 185 and Acts of 1909 and Acts amendatory thereto, and said district is authorized to provide funds by the sale of bonds, or other legal ways and means, and therewith to construct levees for the protection of said district, and particularly to construct, enlarge and improve said Reelfoot Levee, whether Government aid, or aid from said Mississippi River is available or not.

SECTION 7. That the Board of Directors of said district, consisting of A. E. Markham and W. L. Willingham heretofore chosen by the County Court of Lake County and J. R. Lambert, member ex-officio, and their successors in office, are hereby constituted and recognized as the Board of Directors of said district, and they are vested with the general control and management of the business affairs of said district, and supervision of the same, including the power and authority to make contracts, to borrow money, to fix the time and terms of payment of bonds and other details concerning same, and to do, and perform, all the duties required of them, and as provided by said Acts of 1909, Chapter 185, and subsequent amendatory Acts, and if, at any time the Chairman of said Court and ex-officio member of said Board, is absent, or unable for any reason to act, either as Chairman, or as a member of said Board, the Chairman pro tempore is hereby authorized to act in his place and stead in all matters requiring attention, either in the capacity of presiding officer of said Court or as a member of said Board of Directors, and as Chairman of the same.

SECTION 8. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 5, 1921.

Utility Districts - Historical Notes

The following is a listing of acts pertaining to taxation in Lake County, which were never ratified.

1. Private Acts of 1985, Chapter 24, amended Private Acts of 1921, Chapter 905, by vesting certain

non judicial authority with the County Executive. This act required ratification by the county legislative bodies of Lake and Obion Counties. It was ratified by Lake County but was never acted upon by Obion County, and therefore never became operative.

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