



August 24, 2024

Chapter I - Administration

Dear Reader:

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

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

Sincerely,

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

Chapter I - Administration	3
Budget System	3
Budget and Fiscal Procedure Act of 2005	3
Private Acts of 2005 Chapter 43	3
Building Code	8
Private Acts of 1974 Chapter 231	9
County Legislative Body	9
Private Acts of 1989 Chapter 47	9
County Register	10
Private Acts of 1963 Chapter 27	10
Obion and Forked Deer River	11
Flood Control and Drainage Improvements	11
Public Acts of 1959 Chapter 129	11
Dyer County Uniform Nepotism Policy Act of 1993	12
Private Acts of 1993 Chapter 2	12
General Reference	13
Private Acts of 1985 Chapter 73	13
Administration - Historical Notes	13

Chapter I - Administration

Budget System

Budget and Fiscal Procedure Act of 2005

Private Acts of 2005 Chapter 43

SECTION 1. This act shall be cited and known as the "Dyer County Budget and Fiscal Procedure Act of 2005".

SECTION 2. (a) The county budget committee for Dyer County, Tennessee is hereby created.

(b)

(1) The county budget committee, hereinafter referred to as the "budget committee", shall consist of six (6) voting members, one (1) of whom shall be the county mayor, and the other five (5) shall be elected by the county legislative body from its membership at its regular January session of each year or at any subsequent session.

(2) The county mayor shall be an ex officio member of the budget committee and entitled to vote on all matters before the budget committee. The director of finance and budgets shall be the ex officio secretary of the budget committee, but such director shall not be entitled to vote.

(c)

(1) The county legislative body may, in its discretion, allow members of the budget committee such compensation for their service as the commission deems proper.

(2) Any provision for compensation, as well as provision for printing, publicity, supplies and other necessary expenses of the budget committee, shall be payable from the county general fund and shall be included in the annual appropriations.

(d) The budget committee shall perform all the duties respecting county budgets and appropriations now performed, or required to be performed, by the finance committee, tax levy committee or other committees of the county, and shall perform such other duties as here provided.

SECTION 3.

(a) There is hereby created a fiscal year for the county and for each office, department, institution, activity and agency of the county, which fiscal year shall begin on July 1 of each year and shall end on June 30 next following.

(b) The fiscal year shall constitute the budget year, and the year for accounting and reporting of each and every fund, office, department, institution, activity and agency of the county government; provided, that any such accounting and reporting shall be in addition to, and not in lieu of, any accounting and reporting now required of any official by general law.

SECTION 4.

(a) The county highway superintendent shall, on or before April 1 of each year, file with the director of finance and budgets an itemized statement of the funds estimated to be required for the county road program for the ensuing fiscal year and for the construction, operation, repair and maintenance of the county road system and for the general administration of the highway department, together with an estimate of the highway and road funds expected to be received during such fiscal year.

(b) The county board of education, after preparing its annual budget as now provided by law, shall file such budget with the director of finance and budgets for inclusion in the complete budget document to be presented to the budget committee.

(c) The county mayor, on or before April 1 of each year, shall file with the director of finance and budgets an itemized statement of the amounts which the county mayor estimates are necessary to be expended from the county general fund, the debt service funds and from all other funds (excluding highway funds, school funds, and funds derived from the sale of bonds), together with an estimate of the revenue to be received during the next fiscal year.

(d) Each of the other operating departments, institutions, offices or agencies shall file with the director of finance and budgets on or before April 1 of each year a detailed estimate of its requirements for expenditures from the county's funds for the ensuing fiscal year, together with an estimate of any county

revenues to be received by such agency, office or department.

(e) The director of finance and budgets, on or before May 1 of each year, shall file a consolidated budget document with the budget committee showing an itemized statement of the amounts estimated by the various departments and officials to be required for the efficient operation of the county government from the county general fund, the debt service funds, highway funds, school funds and all other funds, together with an estimate of the revenues estimated to be received by each of the funds during the next fiscal year and an estimate of the unencumbered cash balance of each of the funds at the beginning of the fiscal year; provided, that the May 1 deadline for providing the estimate of revenues shall be extended in years of re-appraisals until fifteen (15) days after the certified tax rate has been established.

(f) It is the duty of each official, office, department, institution, agent or employee of the county government to furnish in writing such information, in the form and at the time requested by the budget committee.

SECTION 5.

(a)

(1) At least forty-five (45) days prior to the beginning of each fiscal year, the budget committee shall review and adopt the annual budget.

(2) The budget shall contain an itemized and classified plan of all proposed expenditures and estimated receipts for the ensuing year, and shall conform to a uniform classification of accounts established by the director of finance and budgets and approved by the comptroller of the treasury.

(3) It is expressly provided that the classification of expenditures and receipts of any and all county school funds for any purpose that are administered by the county board of education and the county superintendent of schools shall conform in all respects to the classification of accounts as prescribed by the commissioner of education.

(b) Opposite each item of estimated revenue, the budget document shall show in opposite parallel columns the amount actually collected for the last completed fiscal year, a revised estimated amount for the current fiscal year, and the estimate for the ensuing fiscal year.

(c) Likewise, opposite each item of proposed expenditure, the budget document shall show the amount actually expended for such item during the last completed year, the probable amount which will be spent during the current fiscal year and the proposed appropriations or expenditure estimate for the ensuing fiscal year.

(d) In preparing the budget, the budget committee may revise, as it deems necessary, the estimates or requests made by the various departments, officials, offices, institutions and agencies of the county, but any county official or employee shall be entitled to a hearing before the budget committee with reference to any contemplated changes in the county official's or employee's budget requests or estimates.

(e) The budget committee shall certainly and fully provide in the budget for all debt service requirements, interest and bond maturities and any cash deficit in any fund at the beginning of the fiscal year, and shall propose a tentative tax rate for the current calendar year.

SECTION 6.

(a)

(1) (A) At least ten (10) days before the budget committee conducts a public hearing as provided in subdivision (a)(3), the budget committee shall cause the proposed annual operating budget to be published in a newspaper of general circulation.

(B) This budget shall contain a budgetary comparison that includes comparisons of the proposed budget with the current year and the prior year for the following governmental funds:

- (i) General;
- (ii) Highway and public works;
- (iii) General purpose school fund; and
- (iv) Debt service.

(C) The budgetary comparisons shall be by individual fund and shall summarize revenues by local taxes, state, federal government and other sources. Expenditures shall be summarized by salaries and other costs. The budgetary comparison shall also present beginning and ending fund balances and the number of employee positions.

(2) The publication shall also contain a notice of a public hearing to be conducted by the budget

committee at which any citizen of the county shall have the right to appear and state such citizen's views on the budget. (3) Such public hearing shall be held by the budget committee not later than ten (10) days prior to the beginning of the fiscal year.

(b) Following such public hearing, the budget committee shall make the final revision of the budget document and prepare copies for presentation to the county legislative body.

SECTION 7.

(a)

(1) The budget committee shall present the budget to the county legislative body either at the regular July session each year or at a special session called for this purpose during the month of July; provided, that with the consent of the chairman of the county legislative body, the deadline for the presentation of the budget may be extended through August.

(2) The proposed budget shall be accompanied by a budget message explaining the financial program and outlining the services, work and activities to be financed by the proposed budget and a brief discussion of the means proposed for financing the expenditure program set forth in the budget.

(3) The budget committee shall deliver to the county legislative body a budget appropriation resolution and a tax levy resolution with the proposed budget.

(b)

(1) The county legislative body may alter or revise the proposed budget, but shall not alter or revise provisions for debt service requirements and other expenditures required by law.

(2) The county legislative body shall adopt a budget not later than the third Monday in August.

(3) Pending such final adoption, the director of finance and budgets is hereby authorized to make temporary expenditure allotments for essential county services in amounts not in excess of comparable allotments for an average quarter of the preceding fiscal year.

(c) The budget, the appropriation resolution, and the tax levy resolution, as adopted, shall be spread upon the minutes of the county legislative body.

SECTION 8.

(a) The appropriations made in the appropriation resolution, or any amendment thereto, shall constitute the limit to expenditures for the various purposes and from the several funds of such county for the fiscal year covered by said resolution, and no expenditure shall be made or obligation created in excess of such limitation.

(b) Any resolution presented to the county legislative body in any fiscal year, after the original appropriation resolution has been adopted and the tax rate for the year fixed by that body, which provides for an appropriation in addition to those made in the original budget appropriation resolution, shall specifically provide sufficient revenue or other funds to meet expenditures to be made in consequence of such additional appropriation.

(c) If at any time during the fiscal year it becomes apparent that the revenues of any of the county's funds, together with the fund's unencumbered cash balance at the beginning of such year, will not be sufficient to equal the amount of the original appropriations, it shall be the duty of the director of finance and budgets and the county mayor to impound the appropriations from such fund in such amount as shall appear necessary, subject to the written approval of the budget committee.

(d)

(1) The appropriations made by the county legislative body, as provided above, shall constitute authorization for expenditures. Expenditures may be made, and obligations created, against any appropriation to an aggregate total of the amount appropriated for such item.

(2) However, the expenditures and encumbrances against the amounts appropriated shall be made only in consequence of an order issued by the various departments and subsequent approval of the invoice by the director of finance and budgets; provided, that payrolls and bills for telephones, water, gas, electric and other utility services shall first be checked and approved for payment by the various departments or otherwise as provided by law, and county obligations imposed by law shall be approved by the proper authority before being submitted to the director of finance and budgets for payment.

(3) No expenditures made or obligations created in any manner other than so specified or authorized in this act shall be valid or binding against the county; provided, that the budget committee may issue such regulations as it deems necessary for the prompt handling of bona fide

emergencies.

(e)

(1) Expenditures from all other funds of the county, except school funds and highway funds, shall be made by disbursement warrants on the county trustee signed by the county mayor or the director of finance and budgets, and no other official, department, institution or agency of the county shall issue negotiable warrants or vouchers for such expenditures.

(2) Before any disbursement warrant shall be issued in discharge of any obligation, a detailed invoice or statement of the obligation shall be filed with the director of finance and budgets and it shall be the director's duty to carefully check all such invoices to determine if they are correct, if the goods or services have been received or rendered as stated, and if the obligation is just, authorized or legally binding on the county.

(f) Bills and accounts incurred in accordance with authorized appropriations shall be paid promptly and it shall not be necessary for any such bill or account to be filed and recorded by the county clerk or to be approved before payment by the county legislative body, or by any committee or commission appointed by the county legislative body, in order that the county may obtain the benefit of cash discounts.

SECTION 9.

(a) The director of finance and budgets shall make a report at the end of each month showing the condition of the budget.

(b)

(1) The report shall show for each item of appropriation, or allotment thereof, the total expenditures for the month and the year to date, the amount of outstanding encumbrances and the amount of the unencumbered balance.

(2) The report shall also show for each fund an itemized statement of the revenues and receipts estimated for the year, the amount of the collections of each item for the month and the year to date and the unrealized portion of the estimate.

(3) In a parallel column shall be shown the amount of each item or revenue during the comparable elapsed period of the preceding fiscal year.

(c)

(1) The most recent of such reports shall be presented quarterly by the county mayor or the director of finance and budgets to the county legislative body.

(2) At such time, the county mayor or director of finance and budgets shall advise the county legislative body of the condition of the budget, and of any adjustment or reduction of appropriations which should be made, and shall recommend any other action which, in the opinion of the county mayor or the director of finance and budgets, the county legislative body should take in order that the budget shall be kept in balance.

SECTION 10.

(a) The county mayor shall appoint, with the approval of the county legislative body, a director of finance and budgets who shall be a county employee.

(b) The director of finance and budgets shall be qualified by training and experience in the field of accounting to perform the director's duties in a proficient manner and in accordance with generally recognized principles of governmental accounting.

(c)

(1) Before assuming the director's duties the director of finance and budgets shall execute a corporate surety bond, the amount of which shall be established by the county mayor at not less than ten thousand dollars (\$10,000) nor more than twenty-five thousand dollars (\$25,000).

(2) The bond shall be prepared in accordance with the provisions of title 8, chapter 19, approved by the county legislative body, recorded in the office of the county register of deeds and transmitted to the comptroller of the treasury for safekeeping.

(3) The premium for such bond shall be paid from the county general fund.

(d)

(1) The compensation of the director of finance and budgets, which shall not be in excess of compensation allowed county officials in accordance with §§ 8-24-101 and 8-24-102, shall be set annually by the county legislative body.

(2) The amount of such compensation, the compensation of any stenographers, typists or assistants as the director may need, and the other necessary expenses of the director's office shall be provided for by annual appropriation from the county general fund.

(e) The director of finance and budgets has the power, in accordance with such regulations as may be established from time to time by the county mayor, to appoint and remove the director's assistants, to prescribe their duties, and to fix their salaries within the limits of the annual appropriation.

(f) The director of finance and budgets shall not be terminated or discharged by the county mayor without the approval of the county legislative body.

SECTION 11.

(a) There shall be set up and maintained in the office of the director of finance and budgets a system of fiscal procedure, control and centralized accounting, hereinafter set out and described, which shall be under the administrative control and direction of the director of finance and budgets; provided, that such system shall be conducted in full accordance with the general law of this state respecting the duties and responsibilities of the county mayor as fiscal agent of the county.

(b) The system of fiscal procedure, control and accounting herein provided shall conform to generally accepted principles of governmental accounting and shall be in substantial agreement with the recommendations of the national committee on governmental accounting.

(c) The system shall include such records and procedures as may be required to accurately reflect the assets, liabilities, income and expenditures of each fund of the county, together with such records, accounts and files as are necessary to record and control:

- (1) The transactions relating to county revenues, and the revenues for each of its several funds;
- (2) The transactions relating to the adopted budget and appropriations, including the expenditures and encumbrances against each item of appropriation; (3) The transactions relating to the bonded debt; and (4) Such other records as may be necessary to facilitate the operation of the adopted budget and the proper accounting for each item of county expenditure.

SECTION 12.

(a) It is the duty of the director of finance and budgets to:

- (1) Post and otherwise keep the records of the central accounting system;
- (2) Verify all bills, invoices, payrolls and claims against the county before payment; and
- (3) Check the settlements and reports of the various officials and department heads of the county government.

(b) The director or the director's designee shall also, after careful pre-audit of invoices, bills and claims against the county or any of its funds, prepare disbursement warrants on all county funds.

(c) (1) The director of finance and budgets shall install, with the approval of the comptroller of the treasury, a uniform classification of accounts, including a classification of revenues and expenditures, to be used in accounting, budgeting and financial reporting respecting all county funds, offices, agencies and activities of the county government, with the exception of school funds administered by the county board of education and the county superintendent of schools and highway funds administered by the county highway superintendent, and shall prescribe the forms to be used by each official and employee of the county in connection therewith.

(2) The classification of expenditures and receipts of county school funds shall conform to the classification of accounts as prescribed by the commissioner of education.

(d) (1) The director of finance and budgets shall set up and maintain a double entry system of accounting for recording the transactions of all of the county's funds, including both proprietary and budgetary accounts, in conformity with the requirements set out in Section 11 of this act. (2) The accounts shall be kept on the modified cash basis.

(e) (1) The director of finance and budgets shall set up the necessary accounts to properly record the annual budget and each appropriation made by the county legislative body.

(2) All encumbrances, expenditures or other charges against any item of the budget shall be promptly recorded in order that the unencumbered balance of each item of the budget shall be readily ascertainable at all times.

(f) At the end of each month, the director of finance and budgets shall prepare a comprehensive report of all revenues and expenditures of the county and of each of its several funds, departments, offices, agencies and activities, all encumbrances against the several appropriations, and the condition of each

item of appropriation in the annual budget.

(g) (1) The director of finance and budgets shall pre-audit all payrolls of the county before payment and shall maintain complete earnings records of each employee of the county.

(2) The director of finance and budgets and the county mayor are hereby authorized to maintain a special county payroll account at a local bank at the county seat, in which disbursement warrants for the total of each payroll may be deposited and against which individual net earning checks may be issued to each of the county employees.

(3) The county mayor may authorize the issuance of such payroll checks on the signature of the director, and in such event the depository bank shall be so instructed.

SECTION 13. Except for taxes that the county trustee is authorized to collect, the payment of all moneys to the county trustee by any collectors authorized by statute, or by anyone on account due the county, shall be made only by issuance of a receivable warrant signed by the county mayor instructing the trustee to receive the amount named, for which the trustee shall issue a receipt, a duplicate of which shall be delivered to the director of finance and budgets to be used by the director in posting the accounting records.

SECTION 14.

(a) Before any obligation against the county shall be paid, or any disbursement warrant or voucher issued therefor, a detailed invoice or statement approved by the head of the office, department or agency for which the obligation was made shall be filed with the director of finance and budgets. (b) The director of finance and budgets shall make a careful pre-audit of such invoice or statement, including a comparison with any encumbrance document previously posted or filed authorizing such obligation, and shall approve for payment only such items as appear to be correct, properly authorized, and not exceeding the other-wise unencumbered balance of the allotments or appropriations against which they are chargeable. (c) Disbursement warrants shall be promptly prepared for all such approved items by the director of finance and budgets and mailed or delivered to the payees thereof. (d) A duplicate copy of all disbursement warrants, with all original invoices or other supporting documents attached thereto, shall be kept on file in the office of the director of finance and budgets.

SECTION 15.

(a) Each official, office, department, institution, agency, board, committee, commission or employee of the county shall furnish such information and make such reports as may be required to properly maintain the central accounting system and fiscal procedures herein authorized and prescribed, and such information and reports shall be furnished at such times and in such form as may be prescribed by the director of finance and budgets. (b) The records of all county offices, departments and agencies shall be made available by their respective officials or employees for examination at all reasonable hours by the director of finance and budgets.

SECTION 16. Any official or employee of the county, or of any institution or agency thereof, who fails or refuses to perform the duties required of that official or employee by this act, or who fails or refuses otherwise to conform to the provisions of this act, is subject to removal from that official's or employee's office or position.

SECTION 17. The provisions of this act shall not apply to county school funds for any purpose, the county board of education or the county director of schools unless approved by the commissioner of education. In addition, except as specifically provided in Section 4, the provisions of this act shall not apply to highway department funds for any purpose, the county highway department or the county highway superintendent unless approved by the county highway superintendent.

SECTION 18. Chapter 319 of the Private Acts of 1972 entitled "Dyer County Budget Act", as amended by Chapter 215 of the Private Acts of 1980, is hereby repealed.

SECTION 19. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Dyer County on or before December 31, 2005. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Dyer County and certified to the secretary of state.

SECTION 20. 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, it shall be effective upon being approved as provided in Section 19.

Passed: April 21, 2005.

Building Code

Private Acts of 1974 Chapter 231

SECTION 1. The Quarterly County Court of Dyer County is empowered to adopt the Southern Standard Building Code of the Southern Building Code Congress of Birmingham, Alabama as the building regulations for Dyer County. The quarterly county court is further empowered to amend the Southern Standard Building Code for application in Dyer County, but only such amendments as make the regulations more stringent shall be made.

SECTION 2. The Dyer County Planning Commission shall enforce the regulations so established.

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 Dyer 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 3.

Passed: March 6, 1974.

County Legislative Body

Private Acts of 1989 Chapter 47

SECTION 1.

(a) If it is determined by the official or board designated by resolution of the County Legislative Body that any owner of record of real property has created, maintained or permitted to be maintained on such property any of the following conditions to the extent that the health, safety, or welfare of other citizens is endangered or the infestation of rodents and other harmful animals is encouraged, such official or board of the county shall provide notice to the owner of record of the property to remedy the condition immediately. Such conditions include:

- (1) the growth of trees, shrubs, vines, grass, or any combination of the preceding elements;
- (2) debris or abandoned property; or
- (3) unoccupied buildings which have been abandoned and are in a state of disrepair to the extent provided in this subsection.

(b) The notice shall be given by the United States mail, addressed to the last known address of the owner of record. The notice shall state that the owner of such property is entitled to a hearing conducted in accordance with subsection (d) of this act. The notice shall be written in plain language and contain, but not be limited to, the following elements:

- (1) A brief statement of this act which shall contain the consequences of failing to remedy the noted condition;
- (2) The person, office, address and telephone number of the official or board giving notice;
- (3) A cost estimate for remedying the noted condition which shall be in conformity with the standards of cost in the county; and
- (4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(c) If the property owner fails or refuses to remedy the condition within thirty (30) days after such notice is issued, the official or board designated pursuant to subsection (a) shall immediately cause the condition to be remedied thereof assessed against the owner of the property. The costs shall be a lien upon the property in favor of the county and shall be placed upon the tax rolls of the county as a lien upon the property to be collected in the same manner as county taxes are collected.

(d)

- (1) The official or board designated pursuant to subsection (a) shall promulgate rules and regulations necessary for the administration and enforcement of this act; such rules and regulations shall also (sic) shall provide for a hearing upon request of the person aggrieved by the determination made pursuant to subsection (a). The rules and regulations shall be subject to approval by the County Legislative Body of Dyer County.

The hearing procedures shall give the property owner an opportunity to be heard and shall be

conducted in a manner to ensure due process to the parties. A request for a hearing shall be made within fifteen (15) days following the receipt of the notice issued pursuant to subsection (a). Failure to make such request within the time specified shall without exception constitute a waiver of the right to a hearing.

(2) Any person aggrieved by an order or act of the official or board designated pursuant to subsection (a) may seek judicial review of the order or act by appeal to Circuit or Chancery Court in Dyer County. The time period established in subsection (c) shall be stayed during the pendency of the hearing and appeal.

SECTION 2. The provisions of this act are in addition and supplemental to, and not in substitution for, authority otherwise provided to counties by general law or private acts.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Dyer County. 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 4. For the purposes 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 3.

Passed: April 6, 1989.

County Register

Private Acts of 1963 Chapter 27

SECTION 1. That from and after the effective date of this Act, all deeds, deeds of trust, subdivision plats, tract maps, and all other instruments vesting or divesting title to or in any real estate situated in Dyer County, Tennessee, shall be noted in the office of the County Tax Assessor of Dyer County, prior to the time and before any of such instrument shall be filed for record in the office of the County Register of Dyer County.

The Tax Assessor or his Deputy shall receive each of such instruments for notation, and shall make a permanent record of the same in his office, showing the date of the instrument, the consideration of the transfer, the name of the grantor, the name of the grantee, the location of the property, including the Civil District in which said property is situated, and a sufficient description of the property so that the same can be readily identified.

SECTION 2. That when any of such instruments have been noted by the Tax Assessor or his Deputy, he shall stamp on each such instrument an endorsement indicating that the instrument has been properly noted in his office.

SECTION 3. That none of the instruments herein provided for shall be received for record or recorded in the office of the County Register until each such instrument has first been noted and stamped by the County Tax Assessor. None of the instruments herein provided for shall be received for notation or noted in the office of the County Tax Assessor unless such instrument contains a reference therein indicating the recording data of the instrument by which the grantor acquired title to the property sought to be conveyed.

Any Tax Assessor or Deputy Tax Assessor, and any County Register or Deputy County Register, who willfully or negligently fails to comply with the provisions of this Act shall be guilty of a misdemeanor.

SECTION 4. That the County Tax Assessor of Dyer County is hereby authorized and empowered to employ a Deputy Tax Assessor who shall devote his full time to the duties of the office, and whose compensation shall be fixed by the Quarterly County Court of Dyer County to be paid from the general funds of the County, in equal monthly installments.

All of the necessary expenses incident to the carrying out of the provisions of this Act shall be paid out of the General Fund of said County.

SECTION 5. That the provisions of this Act are hereby declared to be severable; and if any of its sections, provisions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being declared, that this Act would have been passed even if such unconstitutional or void matter had not been included therein.

SECTION 6. That this act shall have no effect unless the same shall be submitted to the Quarterly County Court of Dyer County and approved by a two-thirds vote of said Quarterly County Court. Its

approval or nonapproval shall be proclaimed by the presiding officer of said Quarterly County Court and shall be certified by him to the Secretary of State.

SECTION 7. That his Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 15, 1963.

Obion and Forked Deer River Flood Control and Drainage Improvements Public Acts of 1959 Chapter 129

WHEREAS, Public Law 526, 79th Congress, Second Session, and Public Law 858, 80th Congress, Second Session, authorized the construction of flood control and drainage improvements of the Obion and Forked Deer Rivers and their tributaries in Obion, Weakley, Gibson, Dyer, Crockett, Lauderdale, Haywood, and Madison Counties, substantially in accordance with the reports of the Chief of Engineers, United States Army, House Document No. 757, 79th Congress, Second Session, and House Document No. 627, 80th Congress, Second Session; and

WHEREAS, The construction of such flood control and drainage improvements at federal expense cannot be undertaken by the Corps of Engineers, United States Army, until a responsible sponsoring agency furnished the United States of America written assurances that it will perform the local cooperation required by law:

SECTION 1. That, in consideration of the construction at federal expense by the Corps of Engineers, United States Army, of flood control and drainage improvements of the Obion and Forked Deer Rivers and their tributaries, in the Counties of Obion, Weakley, Gibson, Dyer, Crockett, Lauderdale, Haywood, and Madison, substantially in accordance with the reports of the Chief of Engineers, United States Army, House Document No. 757, 79th Congress, Second Session, and House Document No. 627, 80th Congress, Second Session, as authorized by Public Law 526, 79th Congress, Second Session, and Public Law 858, 80th Congress, Second Session, the State of Tennessee, through its Obion-Forked Deer Basin Authority, be authorized and empowered to defray the cost of the alteration of existing highway bridges in Dyer and Lauderdale Counties required by such improvements, to acquire and furnish without cost to the United States of America all lands, easements, and rights of way required for construction of such improvements, and to maintain all such works after completion; and to execute and furnish to the United States of America written assurances that it will perform the aforesaid acts of local cooperation; and that the State of Tennessee, acting by and through the Governor and the Obion-Forked Deer River Basin Authority, be authorized and empowered to execute and furnish to the United States of America written assurances that it will hold and save the United States of America free from any damages that may result from any special construction, without cost to the Tennessee Game and Fish Commission, by way of continuous spoil banks, culverts, locks and/or other structures under contracts let by the Corps of Engineers, United States Army, along the improved channels of the Obion and Forked Deer Rivers and/or the tributaries thereof over, across or along the boundary of any tract of land owned by or leased to the Tennessee Game and Fish Commission designed to permit the control and/or regulation of the water level on said land in its use as a public hunting area and/or a game refuge or sanctuary.

As amended by:

Public Acts of 1963, Chapter 149

Public Acts of 1974, Chapter 415

SECTION 2. That the State of Tennessee, through its Obion-Forked Deer Basin Authority, acting through and in conjunction with the Counties in which such improvements are to be constructed, shall be authorized and empowered to acquire and furnish the lands, easements and rights of way required for such work. To this end, the power of eminent domain is hereby conferred upon the state and the counties in which such improvements shall be constructed for the purpose of acquiring such lands, easements and rights of way as may be deemed necessary for the purposes of this Chapter. The general statutes relating to the acquisition of lands for works of internal improvement shall be applicable both as to the bringing of condemnation actions and the remedies of property owners. The counties in which such improvements are to be made shall be charged with the responsibility of acquiring the necessary lands, easements and rights of way either by gift, purchase or condemnation. The cost of any such lands, easements and rights of way through purchase or condemnation shall be paid by the State of Tennessee. All other expense incident to the cost of acquisition of such lands, easements and rights of way, including title or abstract work, appraisal fees, attorney fees and court costs, shall be borne by the county in which the required lands, easements and rights of way are located. In the event any County fails or refuses to acquire such necessary lands, easements and rights of way, the State, through the Obion-Forked Deer Basin Authority,

shall acquire the same, either by purchase, gift or condemnation, and such County shall be liable for and shall reimburse the State for all expenses incurred in the acquisition of such lands, easements and right of way, except the cost or purchase price of the lands, easements and rights of way themselves.

The state shall be primarily liable for the purchase price of such lands as may be needed for such improvements but suits by property owners for any taking without compensation shall be brought against the county, and the state's Obion-Forked Deer River Basin Authority shall reimburse the county for any final judgment rendered against it. In addition, it shall be the duty of the counties to defend such suits, but the commissioner may defend such suits if the counties fail or refuse to defend them, and the counties shall reimburse the Obion-Forked Deer Basin Authority for all expenses, including attorney's fees, in defending such suits.

As amended by: Public Acts of 1974, Chapter 415

COMPILER'S NOTE: The 1974 amendment deleted references to the state department of highways, but the reference to the "commissioner" contained in the second paragraph of Section 2 remains, probably in error.

SECTION 3. That drainage and levee districts which presently own any property interests or rights of way required for such improvements are hereby authorized, empowered and directed to transfer and convey such property interests or rights of way to the State of Tennessee for the purposes of this Chapter upon the request of the Obion-Forked Deer Basin Authority.

As amended by: Public Acts of 1974, Chapter 415

SECTION 4. That the State of Tennessee through its Obion-Forked Deer Basin Authority be and it is hereby authorized, empowered and directed to maintain all such works upon completion, in which maintenance the Obion-Forked Deer Basin Authority shall use prison labor wherever possible. The Commissioner of the Department of Corrections shall make available prison labor for such purposes and shall furnish such guards and transportation as may be necessary in connection with such maintenance work.

As amended by: Public Acts of 1974, Chapter 415

SECTION 5. That the Obion-Forked Deer Basin Authority and the counties affected be and they are hereby authorized to expend their funds for the acquisition of the necessary rights of way for such channel improvement and to properly maintain the completed improvements.

As amended by: Public Acts of 1974, Chapter 415

SECTION 6. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 11, 1959.

Dyer County Uniform Nepotism Policy Act of 1993

Private Acts of 1993 Chapter 2

SECTION 1. This act shall be known and may be cited as the "Dyer County Uniform Nepotism Policy Act of 1993".

SECTION 2. As used in this act, unless the context otherwise requires:

- (1) "County entity" means any county agency, authority, division, board, commission, department, or constitutional office within county government, including the board of education and the highway department;
- (2) "Relative" means a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household; and
- (3) "County employee" means any person who is employed by a county entity.

SECTION 3. Within each county entity, no county employees who are relatives shall be placed within the same direct line of supervision whereby one (1) relative is responsible for supervising the job performance or work activities of another relative; provided, however, to the extent possible, the provisions of this act shall not be construed to prohibit two(2) or more such relatives from working within the same county entity.

SECTION 4. When as a result of marriage, county employees are in violation of the prohibition established in Section 3 of this act, such violation shall be resolved by means necessary to remove such violation. The appointing authority of the county entity shall advise the employees of each of the alternatives available to remove such violation. Employees in violation of the prohibitions of this act shall be given the opportunity to select from the available alternatives. The appointing authority shall take

appropriate action to remove the violation if the employees are unable to agree upon an alternative.

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

SECTION 6. For the purposes 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, it shall be effective upon being approved as provided in Section 5.

Passed: February 11, 1993.

General Reference

Private Acts of 1985 Chapter 73

SECTION 1. No person shall concurrently serve in an elected position on more than one local elected Body located in Dyer County.

SECTION 2. This Act shall not become operative unless approved by a majority of the qualified voters of Dyer County voting in the next general election subsequent to the effective date of this Act. The ballots used in such election shall contain the following question: "Should we, the citizens of Dyer County, allow any person to serve as an elected official on More than one local elected Body at the same time?" The votes cast at such election shall be certified by the Dyer County Election Commission upon the first Monday after the day of such election, and the results shall be proclaimed and certified by the Chairman of such Commission 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, this Act shall take effect only upon being approved as provided in Section 2. Provided, however, the provisions of this shall not affect any person who presently holds more than one (1) elected position until the expiration of one (1) of his current terms. Provided, further, the provisions of this Act shall not affect any person who presently holds one (1) elected position and who will be a candidate for an elected position to be determined in the August, 1986, General Election until the expiration of his current term.

Passed: May 13, 1985.

COMPILER'S NOTE: Information provided by the Dyer County Office of Elections and the Secretary of State's Office shows that the Act was passed on August 6, 1986. The vote was 1128 for allowing someone to serve on more than one elected body and 6926 against allowing.

Administration - Historical Notes

County Attorney

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

1. Private Acts of 1927, Chapter 13, created the office of County Attorney for Dyer County who would be appointed by the Governor to serve until September 1, 1928 when his successor, elected in the August, 1928, election, would assume the office.; The annual salary was \$600 payable in equal monthly installments out of the regular county funds.; The County Attorney was directed to transact all the county's legal business, both in and out of court, advise all county officials on legal matters, and collect delinquent taxes, except poll taxes, for which he would be paid the fees allowed by law.; This act was repealed by the one following.
2. Private Acts of 1935, Chapter 56, expressly repealed Private Acts of 1927, Chapter 31, Item One, above, in its entirety.
3. Private Acts of 1941, Chapter 175, recreated the position of County Attorney to be elected by popular vote in the August, 1942, election for four years.; This regular licensed and practicing attorney would be the solicitor of the county in all litigation and the attorney in all legal matters.; The County Attorney was required to handle all tax matters, delinquent or otherwise, paying all fees accrued under the law thereby into the county general fund and would make investigations into expenditures as requested by the County Judge, or Chairman, for which the authority to issue subpoenas and conduct hearings was conferred.; The Attorney was prohibited from compromising any litigation until the proposed compromise was approved by the County Court.; The Act named R. A. Ashley as the first County Attorney under this law with a monthly salary of \$125 and the

power to employ assistants but at his own expense. This act was repealed by the Private Acts of 1972, Chapter 316.

4. Private Acts of 1972, Chapter 316, specifically repealed Private Acts of 1941, Chapter 175, Item 3, above, in its entirety.

County Clerk

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

1. Private acts of 1933, Chapter 585, provided that the County Court Clerk of Dyer County (identified by the use of the 1930 Federal Census Court) would receive for his services a sum not to exceed \$3,600 per annum, payable monthly from and after September 1, 1934.; All fees allowed to and collected by the Clerk in excess of \$3,600 would be paid to the Trustee for deposit.; If the fees were collected in an amount less than \$3,600 the amount so collected would be the salary of the County Court Clerk.; This Act would not have any effect other than to reduce the clerk's salary.; Continuance in office and to perform the duties of it was an estoppel against the clerk to complain on a salary issue, and would constitute acceptance of the terms of this Act.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Dyer County and are included herein for historical purposes.; Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1823, Chapter 41, scheduled the dates on which the terms of the Quarterly Courts of several counties west of the Tennessee River would meet.; In Dyer County the Quarterly Court would convene on the second Monday in January, April, July and October.
2. Acts of 1823, Chapter 108, provided that the Dyer County Court of Pleas and Quarter Sessions would be held at the house of John Warren on the fourth Monday in December, March, June and September.
3. Acts of 1824, Chapter 53, authorized the County Courts of Weakley, Obion, Dyer, and McNairy Counties to adjourn their courts to such place as suited the convenience of a majority of the Justices, preferably to the county seat of justice if the same had been laid out and established.
4. Acts of 1824, Chapter 102, rescheduled the terms of the Quarterly Courts in several of the counties west of the Tennessee River including Dyer County where the Quarterly Court would meet on the fourth Monday in January, April, July and October.
5. Acts of 1825, Chapter 318, rearranged the opening dates for the Quarterly Courts in several counties.; In Dyer County the court would meet on the second Monday in March, June, September and December.
6. Acts of 1826, Chapter 53, validated all the proceedings conducted by the Quarterly Court of Dyer County at a court session which was apparently not authorized but which fact was unknown to the Justices at the time the court met.
7. Acts of 1829, Chapter 20, was the enabling legislation for the County Courts of Carroll, Gibson, Dyer, Knox, Anderson, Obion and Henderson Counties, a majority of the Justices being present, on the first day of the first term in each year to select three of their own number to hold the Court for the remainder of that year under the same regulations as would apply to the whole court.; The pay for the Justices was set at \$1.50 per day for each day spent in this task, and a tax of \$1.00 on each lawsuit could be levied by the court to raise the money to pay them if need be.
8. Acts of 1829-30, Chapter 102, fixed the terms for the Quarterly Courts of Obion County and Dyer County whose Quarterly Court would hereafter meet on the third Monday in February, June, September and December.; This act was repealed by the one following.
9. Acts of 1831, Chapter 52, repealed Acts of 1829-30, Chapter 102, Section 3, above, and provided that the Quarterly Court of Dyer County would hereafter convene on the second Monday in March, June, September and December.; The proceedings of the court conducted at the March term were ratified and made legal and binding on all concerned any law to the contrary notwithstanding.
10. Acts of 1832, Chapter 21, reset the terms of the Dyer County Quarterly Court to start on the fourth Monday in March, June, September and December with the provision that all writs returnable to the former terms of court would be made returnable to the above terms.
11. Acts of 1867-68, Chapter 65, abolished the Quarterly County Courts and transferred all their functions to the Board of County Commissioners.
12. Acts of 1869-70, Chapter 49, repealed all prior acts which created Boards of County

Commissioners and restored the Quarterly County Courts to their former active status.

13. Private Acts of 1955, Chapter 44, averred that in Dyer County the Justices of the Peace would be paid \$5.00 per day and five cents per mile for travel to and from home and the courthouse.
14. Private Acts of 1965, Chapter 53, amended Private Acts of 1955, Chapter 44, above, by increasing the per diem payments of the Justices of the Peace in Dyer County from \$5.00 to \$10.00.; The Act was properly ratified by the Dyer County Quarterly Court.
15. Private Acts of 1973, Chapter 24, amended Private Acts of 1955, Chapter 44, above, by increasing the per diem payments of the Justices of the Peace from \$10 to \$25 but this act was rejected by the Quarterly Court of Dyer County thus failing to become an effective law.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Dyer County. They are included herein for historical purposes only.; Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1856, Chapter 253, created the position of County Judge in every county, who would be elected by the people for four year terms, beginning on the first Saturday in May, 1856, and who would be commissioned and sworn as other judges were.; Quorum Courts were abolished and their responsibilities given to the County Judge who would also preside over the Quarterly Court.; The jurisdiction of the court, meeting on the first Monday in each month, was clearly outlined in the act.; The administrative powers and duties of the Judge as the accounting officer and general agent of the county were numbered and specified in Section 8.; Compensation was set at \$5.00 per day for each day spent as the Judge.; The County Judge was permitted to practice law in all courts other than the one over which he presided.; This act was repealed by Acts of 1857-58, Chapter 5.
2. Acts of 1857-58, Chapter 5, expressly repealed Acts of 1856, Chapter 253, above, restoring all Quorum Courts to their former status.
3. Private Acts of 1915, Chapter 82, created and regulated the office of County Judge for Dyer County who was required to be a person learned in the law, a licensed attorney, and who would be elected by the people for an eight year term.; The present County Chairman would be the County Judge until a successor was elected at the regular county election on the first Thursday in August, 1916, taking office on the first Monday in September, 1916.; The office of county chairman, and chairman protem, were abolished, all their functions being transferred to the County Judge.; Section 8 listed the powers and duties of the office as the accounting officer and general agent of the county and Section 9 vested concurrent jurisdiction with the Circuit and Chancery Courts in some matters, as habeas corpus proceedings, appointment of guardians, etc.; The Judge was forbidden to practice law in other courts but would be sworn and commissioned as other judges.; The annual salary was \$1,500.; The Judge would preside over the Quarterly Court which would continue to meet on the first Monday in January, April, July, and October.; This act was repealed for all practical purposes by Private Acts of 1927, Chapter 161, which created a Probate Court for Dyer County and was construed by the Tennessee Supreme Court in Hodge v. State, 135 Tenn. 537, 188 S.W. 206 (1916).
4. Private Acts of 1917, Chapter 350, amended Private Acts of 1915, Chapter 82, Item 3, above, in Section 9, by adding a provision which granted to the County Judge the authority to ratify sale of land where the contract was entered into between parties who were under some sort of disability in the same manner as the Chancery Court could ratify them, and the power to assess fines and impose other penalties in misdemeanor cases in which the defendant entered a guilty plea.; A proper docket of such cases would be kept and the costs taxed as they would be in appearances before a Justice of the Peace Court.
5. Private Acts of 1919, Chapter 683, amended Private Acts of 1915, Chapter 82, Item 3, above, in line 2 of Section 14, by reducing the annual salary of the County Judge from \$1,500 to \$900.
6. Private Acts of 1919, Chapter 638, amended Section 7, Private Acts of 1917, Chapter 350, Item 4, above, by adding a provision after the phrase "the costs shall be taxed as in trials before Justices of the Peace" the words "and without the imposition of the State tax, County tax, or fee for the Attorney General."
7. Private Acts of 1927, Chapter 161, repealed Private Acts of 1915, Chapter 82, Item 3, above, as it was amended, and created a Probate Court for Dyer County.; This Act, except for Section 18 which repealed Private Acts of 1915, Chapter 82, was in turn repealed by Private Acts of 1947, Chapter 612.; (The County Chairman was among those whose jurisdiction was preserved by Chapter 161, above).

8. Private Acts of 1937, Chapter 713, stated that in Dyer County (identified by the 1930 Federal Census figures) the Chairman of the County Court would be allowed and paid \$150 per month on the last day of each calendar month on the warrant of the County Judge, or Chairman, countersigned by the County Court Clerk.
9. Private Acts of 1941, Chapter 273, made the County Judge, or Chairman, the Purchasing Agent of the County with the sole power and authority to purchase all articles needed and requested in every government department of Dyer County.
10. Private Acts of 1943, Chapter 366, fixed the term of the Chairman of the County Court of Dyer County at two years from the date of his election being applicable initially to that person elected by the Quarterly Court at its January, 1944, meeting.
11. Private Acts of 1984, Chapter 180, gave the County Executive the additional duties of serving as the County's ex officio purchasing agent.; The County Executive was given the authority; to contract for and purchase all materials, to arrange for the purchase or rental of any real estate, and to receive and approve bids for the road department.; This act also repealed the Private Acts of 1941, Chapter 350 and any amendatory acts associated with it.; Private Acts of 1984, Chapter 180 was expressly repealed by the Private Acts of 1987, Chapter 101.

County Register

The following acts once affected the office of county register in Dyer County, but are no longer operative.; Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1851-52, Chapter 119, consolidated the Register's Office with the office of the Entry Taker in all counties south and west of the Congressional Reservation line except those counties which declared themselves to be exempt in Section 6 whose number did not include Dyer County.; The Register's Office assumed all the duties of the Entry Taker plus a few more added by this act.; Entry takers were required to forward to the Register all plats, maps, documents, and records in their possession.; The Register was allowed to charge the same fees for his services as the Entry Taker had been charging.; This act repealed as applied to Dyer County by the one following.
2. Acts of 1853-54, Chapter 148, expressly repealed Acts of 1851-52, Chapter 119, above, as the act had application to Dyer County.; Section 2 stated that the present Register of Dyer County would continue to act as the Entry Taker until the first Monday in April next, at which time the County Court of Dyer County would elect an Entry Taker for the County who would exercise the power and perform the duties of that office from that time as prescribed by law.
3. Acts of 1868-69, Chapter 40, again consolidated the two offices of Register and Entry Taker into the Register's Office of Dyer County.; The Register was directed to assume and perform all the duties of the Entry Taker.; All papers and records would hereafter be kept at the county seat where a proper and complete Index would be made and kept current.; The Quarterly Court of Dyer County was made accountable for the enforcement of this act.
4. ;Private Acts of 1933, Chapter 653, fixed the annual compensation of the Dyer County Register at \$3,600, payable monthly, provided the Register file a sworn, itemized statement with the County Judge, or Chairman, showing all the fees collected in that office the preceding year.; If the fees did not equal the salary above, the amount collected would be the salary of the Register, but, if the fees exceeded the salary, the Register must pay over the excess to the Trustee.; Acceptance of the office and performance of the duties would constitute an estoppel to proceed on any issue of compensation.

County Trustee

The following act once affected the office of county trustee in Dyer County, but is no longer operative.

1. Private Acts of 1933, Chapter 586, established the annual salary of the Trustee of Dyer County at \$3,600 payable in equal monthly installments after September 1, 1934.; All fees collected over the amount of the salary must be paid to the Trustee for deposit in the county funds.; if the fees collected were less than the salary above, the amount collected would be the salary of the Trustee.; Acceptance of the position and performance of the duties would work an estoppel against the Trustee on the issue of compensation.; This Act was not intended to affect any phase of the operation of the Trustee's office, only to set the salary at the above figure.

Obion and Forked Deer River - Flood Control and Drainage Improvements

The following acts, which were not codified, once affected flood control and drainage improvements in the Obion and Forked Deer River basin, and are included herein for historical purposes.

1. Public Acts of 1972, Chapter 807, added a new section to Public Acts of 1959, Chapter 129, providing the department of agriculture with concurrent authority and responsibility for maintenance of completed channel improvements for the Obion and Forked Deer Rivers.; This act

was repealed twice, first by Public Acts of 1973, Chapter 38, and again when the 1973 act was repealed by Public Acts of;1974, Chapter 415.

2. Public Acts of 1973, Chapter 38, amended Public Acts of 1959, Chapter 129, and Public Acts of 1963, Chapter 149, to transfer the authority and responsibility for the flood control and drainage improvements for the Obion and Forked Deer Rivers from the department of highways and public works to the department of agriculture.; This act was repealed by Public Acts of 1974, Chapter 415.

Purchasing

The following acts once affected the purchasing procedures of Dyer County, but are no longer operative.; Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1974, Chapter 350, amended Private Acts of 1941, Chapter 273, by rewriting the first sentence of the second paragraph in Section One to increase the amount of purchases without advertising for bids from \$100 to \$500. Private Acts of 1941, Chapter 273 was repealed by the Private Acts of 1984, Chapter 180.
2. Private Acts of 1984, Chapter 180, gave the County Executive the additional duties of serving as the County's ex officio purchasing agent.; The County Executive was given the authority; to contract for and purchase all materials, to arrange for the purchase or rental of any real estate, and to receive and approve bids for the road department.; This act also repealed the Private Acts of 1941, Chapter 350 and any amendatory acts associated with it.; Private Acts of 1984, Chapter 180 was expressly repealed by the Private Acts of 1987, Chapter 101.
3. Private Acts of 1987, Chapter 101, specifically repeals Chapter 273 of the Private Acts of 1941, as well as the Private Acts of 1984, Chapter 180.

General Reference

The following private or local acts constitute part of the administrative and political history of; Dyer County but are today no longer operative because 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 1823, Chapter 206, appointed Abram Maury, William Hall, James Fentress, and Benjamin Reynolds, as Commissioners, to fix on a site for the permanent seat of justice in Weakley, Gibson, McNairy, Dyer, Hardeman, Obion, Trenton, and Haywood Counties.; Having due regard for water's availability and the central point of the county.; The Commissioners had the authority to procure 50 acres at the site selected.; They would be entitled to and paid \$4.00 for each day spent in this service which amount must be paid by the county benefitted.
2. Acts of 1824, Chapter 32, amended Acts of 1823, Chapter 206, so as to replace Abram Maury and William Hall, who declined to serve as Commissioners to select the respective county seats of the counties mentioned, with Robert Jetton who would join those remaining Commissioners in the execution of their responsibilities.
3. Acts of 1824, Chapter 132, authorized the commissioners named in the Act to lay out Brownsville in Haywood County.; Section 3 extended the same power and authority to those Commissioners named to establish the seat of justice in the Counties of Gibson, Dyer, Hardeman, Tipton, Fayette, Weakley, Obion, and McNairy.; The name of the county seat in Dyer County would be Dyersburgh.
4. Acts of 1826, Chapter 45, named Adam Huntsman, Moses Woodbine, Samuel Dickens, and John F. Brown, all of Madison County;; Blackman Coleman and Daniel Cherry, both of Haywood County; and John P. Byrne, of Dyer County, as Commissioners of Navigation to draft a plan to carry out the provisions of this act which were calculated to improve the navigation of the Forked Deer River.
5. Acts of 1827, Chapter 12, organized the Western District of the Treasury Department of Tennessee which was composed of the counties of Shelby, Fayette, Hardeman, McNairy, Hardin, Perry, Henderson, Carroll, Henry, Weakley, Obion, Dyer, Tipton, Haywood, Madison, and Gibson.; The Treasurer of the District would be appointed by the joint ballot of the General Assembly and hold his office in Jackson in Madison County.; The Sheriffs and all the other collectors of revenue and taxes were required to deposit their collections at Jackson rather than to bring them all the way to Nashville.
6. Acts of 1831, Chapter 44, was the legislative authority for the counties of the State acting through the county courts at their first meeting on the first day to select three of their number to compose a Board of Internal Improvement serving for one year from the appointment date.; They would be sworn and bonded, elect a President and a Secretary, and would supervise the expenditure of the funds allocated to their particular county for internal improvements such as roads, rivers, and

- levees, and to promulgate rules and regulations for their own operations.
7. Acts of 1832, Chapter 14, made it lawful for the County Courts of Henry, Carroll, Gibson, Weakley, Dyer, and Obion to proceed to elect Boards of Internal Improvement in their counties in conformity with the same regulations imposed on other counties in this regard.; The cashier of the bank was directed to pay over to each Board the prorated share of that particular county.
 8. Acts of 1832, Chapter 131, was the legal authority for Ellen Hilyer, a free woman of color, to purchase her husband, Jacob, a slave, and to emancipate him after the said purchase, provided that Jacob would be under the same rules and regulations as were other free persons of color and further, that bond be made with the Chairman of the County Court by Jacob that he would behave himself and not become a public charge.
 9. Acts of 1835-36, Chapter 11, permitted the County Court of each county to elect two Notaries Public except in Davidson County wherein three would be elected, all for four year terms after the Notaries were sworn and bonded.; The Notaries were required to furnish their own seals.
 10. Acts of 1835-36, Chapter 139, incorporated the City of Dyersburg under the name and style of the Mayor and Aldermen of Dyersburg.; The Mayor and Aldermen would have and exercise all the power and authority heretofore granted to Trenton in Gibson County.
 11. Acts of 1839-40, Chapter 132, made it legal for the Commissioners of the town of Dyersburg to lay off the commons of the said town into lots and to sell the same if the best interests of the town and the county required the same to be done.; Alleys could be closed out and sold if those who owned lots adjacent to the alley agreed to do so in writing.
 12. Acts of 1842 (Ex. Sess.), Chapter 4, named John C. Gillespie, and William Moore, of Gibson County, Samuel Lancaster, and James S. Lyon, both of Madison County; and Isaac Sampson, of Dyer County, as Commissioners to superintend the improvement of the navigation of the Forked Deer River.
 13. Acts of 1847-48, Chapter 211, declared it the duty of the Surveyors of Dyer and Obion Counties to run and mark all the range and section lines in their respective counties which have not heretofore been run and marked for which services they would be paid such fees as were authorized by law.; The Entry Takers of these counties were named to pay the fees if they had sufficient funds in their possession to do so.; If they did not, the county was obligated to pay.
 14. Acts of 1849-50, Chapter 55, incorporated Dyersburg under the Mayor-Alderman form of government under the same restrictions and powers conferred upon Linden in Perry County.; A general description of the area included in the town was included in this act.
 15. Acts of 1853-54, Chapter 323, allowed the Counties of Tipton, Dyer, Stewart, and Obion to subscribe to stock in the Great Central North and South Railroad Company, and to issue their bonds to pay for the same under the terms and conditions found in this Act.
 16. Acts of 1867-68, Chapter 65, established a three member Board of County Commissioners in Madison County who would be appointed by the Governor to serve staggered terms to begin with or until their successors were elected.; The Commissioners would be sworn and bonded and would fill any vacancy which occurred.; The Board would meet four times annually on the same dates set up for the meetings of the Quarterly Court.; The County Court Clerk would be the Recorder for the meetings.; All the powers and duties of the Quarterly Court were transferred with some specific grants of power added.; All the Magistrates were relieved of their duties which were also vested in the Commissioners.; Quorum Courts were abolished, too, by this act.; The Chairman would be paid \$500 annually and the other members would get \$400 a year.; Section 13 of this act extended all its terms and provisions to apply to Dyer County as fully as if written separately.; This act was repealed by the Acts of 1869-70, Chapter 6.
 17. Acts of 1869-70, Chapter 6, repealed all Sections of the Acts of 1868-69, Chapter 65, which created a Board of County Commissioners, as the same was applicable to Sumner and Dyer Counties.
 18. Acts of 1869-70, Chapter 49, specifically repealed all acts which created Boards of County Commissioners in all counties and restored all acts which were either expressly or impliedly repealed by such acts.
 19. Acts of 1869-70, Chapter 119, repealed all laws creating a Board of County Commissioners for Madison County, and Section 2 again repealed all the laws creating the Boards for all the counties.
 20. Acts of 1897, Chapter 124, fixed the annual salaries for all the county officials in the State according to their classification by population of the county in which they served.; They were deprived of all fees which were to be paid to the county and would henceforth be compensated

only by salary.; The salary of the office holder and deputies would be limited by the amount of fees collected and reported to the Judge, or Chairman, in a sworn and itemized account.; (Although this act was declared unconstitutional in Weaver v. Davidson County, 104 Tenn. 315, 59 S.W. 1105, (1900), this act, plus features from some others, formed the basis upon which the current salary laws were predicated.)

21. Private Acts of 1929, Chapter 245, was the legislative authority for the Dyer County Quarterly Court to appropriate annually a sum of money not to exceed the amount collected from a special tax levy of one cent which would be used for the aid and support of the poor, indigent, dependent, insane and feeble minded, the expenditures to be made by the Dyer County Red Cross Chapter.; If sufficient funds were available the tax levy would not be made, but, if there were not sufficient funds available, the Chairman of the County Court was allowed to borrow them.
22. Private Acts of 1929, Chapter 266, recited in the preamble that public spirited citizens had made donations, that the Kraft Cheese Company desired to build a cheese factory, and that the opinion of the Quarterly Court, expressed in a Resolution, was that the best interest of the county would be served thereby, this act allowed the Dyer County Quarterly Court to appropriate and give \$2,000 to the West Tennessee Dairy Association, as recorded in the Resolution, which sum would be used in the construction of the said cheese plant in Dyer County.
23. Private Acts of 1933, Chapter 668, was the authority for the Quarterly Court of Dyer County, in their discretion, to create a sinking fund into which they could pay all of the delinquent taxes collected and owing for the years 1920-1934, inclusive, which were levied for any and all purposes.; The court could by Resolution retire any of the county's outstanding obligations from this fund and make arrangements to accept as payment for delinquent taxes incurred during those years outstanding bonds, past due interest coupons, or warrants heretofore issued by the county.
24. Private Acts of 1935, Chapter 310, removed the disabilities of infancy from Laverne Barker, of Dyer County, who, from now on, could conduct herself as an adult.
25. Private Acts of 1935, Chapter 748, amended Private Acts of 1933, Chapter 668, Item 23, above, by changing the years for which the delinquent taxes were to be considered from 1920-1931 to 1920-1934.; No other changes occurred.
26. Private Acts of 1982, Chapter 338, approved at the local level on May 18, 1982, amended Private Acts of 1901, Chapter 450, the City Charter of Newbern, to make the Vice-Mayor instead of the Recorder, the person to act when the Mayor was incapacitated.
27. Private Acts of 1982, Chapter 364, amended Private Acts of 1903, Chapter 410, the Charter of the City of Dyersburg, in several Sections concerning the Mayor and Aldermen, the aldermanic districts, and the elections of various city officials.; This act was made effective by local approval on May 17, 1982.
28. Private Acts of 1982, Chapter 370, authorized the levy of a hotel-motel type of tax in the City of Dyersburg in the amount of 1.25% of the amount for the consideration of occupancy of accommodations of that type in the City.; The mechanics of collection of and distribution of the funds are included.; This act was also approved in Dyersburg on May 17, 1982.

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