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# Utility Districts - Historical Notes

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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,

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## Utility Districts - Historical Notes

The following acts once applied to utility districts in Dyer County and are included here for historical reference purposes.

1. Private Acts of 1915, Chapter 186, also created a Dyer Levee and Drainage District describing the area involved and included in the District, and appointing as a Board of Directors E. Rice, of Dyer County, W. R. Aleegee, of Lake County, and Tom Morris, of Obion County, who would administer the affairs of the district. The Act provided for a court composed of the County Judges, and Chairmen of the three counties who were obligated to hear and resolve the objections and complaints of any who cared to file them. This Act contains over 50 printed pages which set up guidelines and limitations to be applied to just about every conceivable situation of finance and management. This act was declared unconstitutional in Mengel Box Company v. Fowlkes, 132 Tenn. 202, 186 SW 91 (1916), because the body of the bill exceeded the subject matter of the caption.
2. Private Acts of 1927, Chapter 661, validated, confirmed, and made binding on all parties the sales, leases, rentals, or other dispositions of municipally owned water, electric or other utilities, for the consideration heretofore bargained which were sold and conveyed in the counties of Carroll, Dyer, Gibson, Henry, and Weakley, all identified by the use of the 1920 Federal Census and population figures.
3. Private Acts of 1961, Chapter 278, which was rejected by the Quarterly Court of Dyer County and thus never became an effective law, created the Industrial Port Authority to facilitate transportation in Dyer County on the Mississippi, Obion, and Forked Deer Rivers, which Authority would be operated and managed by the Port Authority Commission to which nine broad grants of power were made. The Port Authority involved the construction, management, and maintenance of publicly owned ports, airports, storage, transfer, and transportation facilities by Dyer County. Named as the first Commission were E. R. Moody, Joe Plummer, Ansil Boals, David Lanier, Dave Pennington, Elmer Gardner, and Paul Bradshaw, all for five year terms. Basic guidelines and policies were expressed in the Act for bond issues and the internal management of the facilities. Purchasing regulations were supplied for securing all the goods and equipment needed. The Commission had the authority to employ other professional people, as needed, such as engineers and architects.
4. Public Acts of 1977, Chapter 489, added a provision to Section 6-2614, Tennessee Code Annotated, which was effective only in the counties specified, including Dyer County, at any time on petition of 20% of the customers of a water utility district to the judge of the county in which a district is located, or headquartered, a referendum would be called on whether the Board of Commissioners of the district, or an individual member, or members, thereof would be ousted and a new Board appointed, or member replaced. Other steps to be followed subsequent to the above were contained in this statute.
5. Public Acts of 1981, Chapter 248, made proper amendments in the Code Sections involved, beginning with Section 29-17-801, T.C.A., to state that levee and drainage districts located in Dyer, and other counties, (identified with population figures) were hereby empowered and authorized to acquire by the exercise of the power of eminent domain, as set out in this Act, such right-of-way, land, material, and easements' right-of-way, as may be deemed necessary, suitable, or desirable to construct levees, ditches, drains, or watercourses, or to straighten, widen, deepen, or change natural watercourses in such districts.

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