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# Cumberland

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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.

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## Cumberland



Cumberland County Court-  
house

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## Chapter I - Administration

### Budget System

### Borrowing Funds

### Private Acts of 1941 Chapter 329

**COMPILER'S NOTE:** The population bracket given in the Act does not match any Tennessee county, however, the index attributes the Act to Cumberland County and the Cumberland County population is the closest of all of the counties.

**SECTION 1.** That the Quarterly County Court of counties of the State having a population of not less than 15,600, and not more than 15,650 by the Federal Census of 1940, or any subsequent Federal Census, be and are hereby authorized and empowered to borrow funds for the County, evidenced by time warrants of the County, with legal interest, duly signed and executed by the County Judge as other warrants of the County are signed and executed, to pay any current indebtedness of the County or current expenses of the County, when the funds in the County Treasury are not sufficient to meet and pay such indebtedness or expense; such warrants to be due and payable out of the tax funds of the County next due and collectible. Each and all County warrants issued under the authority herein conferred shall, after having been executed by the County Judge, be attested by the County Court Clerk.

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

Passed: February 13, 1941.

## Charitable Contributions

### Private Acts of 1943 Chapter 427

**SECTION 1.** That in all counties having a population of not less than 15,585 nor more than 15,600 by the 1940 Federal Census or any subsequent Federal Census, the Quarterly County Court is hereby authorized to make appropriations for any and all recognized charitable purposes.

**SECTION 2.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 11, 1943.

## County Attorney

### Private Acts of 1933 Chapter 283

**SECTION 1.** That there is hereby created the office of County Attorney of Cumberland County. Said officer shall be elected by the Quarterly County Court of Cumberland County at its regular October term, 1934, and shall hold his office for a term of two years and thereafter for similar terms at the discretion of the Court, it being left to the discretion of the Court as to whether it will continue to fill the office.

**SECTION 2.** That the salary of said County Attorney shall be fixed by the County Court, payable monthly out of the general fund of the County by warrants drawn on the County Trustee.

**SECTION 3.** That it shall be the duty of the County Attorney to represent the County in all of its legal business in court and otherwise, and at the request of the County officials to advise them upon all legal matters affecting their offices, and no officer of said County shall employ any other attorney save at his own personal expense unless he shall first be authorized and empowered to do so by the Quarterly County Court.

**SECTION 4.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 3, 1933.

## County Executive

### Private Acts of 1935 Chapter 214

**SECTION 1.** That the office of County Judge of Cumberland County, Tennessee, be, and the same is, hereby created and established in said County.

**SECTION 2.** That the term of office of said County Judge shall be eight years, and he shall receive a salary of Eighteen Hundred (\$1,800.00) Dollars per year, payable monthly out of the County funds of said County upon warrants drawn as hereinafter provided, except the County Judge selected and appointed by this Act, whose term of office shall be from the passage of this Act until the next regular election to be held in August, 1936, or until his successor is elected and qualified.

**SECTION 3.** That R. A. Powel of Cumberland County, Tennessee, is hereby selected and appointed to fill the office of County Judge for said County of Cumberland from the date this Act takes effect until the next regular election held on the first Thursday in August, 1936, and until his successor is elected and qualified, to be commissioned in the same manner as other judges of this State; and before entering upon the duties of his office, he must take oath and execute bond as hereinafter provided.

**SECTION 4.** That the first election of County Judge for Cumberland County, shall be held at the same time and place, and by the same officers that other County elections are held, on the first Thursday in August, 1936; and under the same rules and regulations that are prescribed by law for other County elections; that his term of office shall be computed from the first day of September next succeeding his election; and that he shall fill the office of County Judge for said County of Cumberland from that date until the election and qualification of his successor; that the next or second election of County Judge for Cumberland County, Tennessee, shall be held at the next regular election for judicial officers to be held on the first Thursday in August, 1942; and that the election of a County Judge of said County shall be held on the first Thursday in August, every eight years thereafter, all of said terms of office to be computed from the first day of September next succeeding the election as herein provided for. In case of incompetency, sickness or inability of the County Judge, a Special Judge may be elected under the same provisions, and with the same powers of said County Judge in the same manner as prescribed by Section 9919 of the Official Code of Tennessee of 1932. In the case of vacancy by death, resignation, or otherwise, the Governor is hereby empowered and authorized to appoint a successor to serve until the next General Election and until his successor is elected and qualified.

**SECTION 5.** That the County Judge of said County shall be commissioned in the same manner as other Judges of the State of Tennessee, and before entering upon the duties of his office shall take an oath to support the Constitution and laws of the United States, and the Constitution and laws of the State of Tennessee, and to faithfully discharge the duties of his office; he shall also enter into a bond in the sum of Ten Thousand Dollars (\$10,000.00), conditioned to faithfully discharge the duties of his office and to account for all moneys and County property that shall come into his hands as such County Judge.

**SECTION 6.** That the offices of the Chairman of the County Court and the Chairman pro tem. of the County Court of Cumberland County is hereby abolished from and after the date this Act becomes effective, and from and after that date the said County Judge shall have and exercise all the jurisdiction and powers of said offices. He shall preside at its sessions to be held as hereinafter provided, and shall have and exercise the same powers, jurisdiction, and authority now exercised by the Chairman in or out of said County Court, whether in session or not, except as herein provided.

**SECTION 7.** That the duties of the County Judge of the County Court of Cumberland shall not interfere with the duties of the County Court Clerk of said County as now provided by law; the said Clerk shall be and continue the Clerk of said County Court, to be held by the County Judge under the provisions of this Act, and shall have and perform all the powers, jurisdiction and authority incident to the office of the County Court Clerk.

**SECTION 8.** That the said County Judge holding said County Court shall have concurrent jurisdiction with Circuit and Chancery Courts of this State:

1. To enforce liens retained on lands by vendors where the amount of the lien does not exceed the sum on One Thousand (\$1,000.00) Dollars.
2. To allow guardians to trench and encroach upon the corpus of the estates of their wards, the same as may be done under orders and decrees of the Chancery Courts of this State, and to approve previous expenditures out of the corpus of such estates by the guardians and to allow for settlements in said matters in the same manner and to the same extent as Chancery Courts may do, where the amount involved does not exceed the sum of One Thousand (\$1,000.00) Dollars.

3. To allow any widow who is executrix of the estate of her deceased husband's estate under and by virtue of appointment of the County Court of Cumberland County, Tennessee, when she has no sufficient income of her own to expend not in excess of \$500.00 of any amount in her hands to which any minor child may be entitled as distributee of the estate of her deceased husband, for the education, support or maintenance of any such minor child residing with her; and to allow and approve any and all such expenditures heretofore made charging any minor child in excess of \$500.00, and allowing such administratrix credit therefor in her settlement of the estate of her deceased husband, it being the purpose of this section to avoid the expenses incident to guardianships.
4. To release testamentary and other trustees, and to appoint trustees in place of those released or dead, and also to decree, on petitions of trustees, by will or otherwise, for the sale of property, real or personal, where the value of the property to be sold does not exceed the sum of One Thousand (\$1,000.00) Dollars.
5. To consent to and decree a sale of the property, real or personal, of persons laboring under the disability of infancy where the value of the property to be sold does not exceed the sum of One Thousand (\$1,000.00) Dollars.
6. To remove the disability of infancy of minors residing within said County of Cumberland.
7. To hear and determine all Habeas Corpus proceedings.

**SECTION 9.** That the rules of law and procedure made and provided for the Chancery and Circuit Courts applicable to the jurisdiction of the County Court in the matters and things set out in Section 8 hereof, of which the County Court is expressly given concurrent jurisdiction, shall be applicable to said County Court and shall govern the procedure therein and shall be followed by said Court as nearly as practicable.

**SECTION 10.** That from and after the date this Act becomes effective, it shall be the duty of the County Court Clerk of said County to keep and preserve in a well-bound docket all cases provided for in this bill to be tried in said County Court; and to enter upon said dockets all suits showing the names of the plaintiffs and defendants, all motions and actions that may come before said County Judge for trial, and he shall also enter upon said docket a memorandum of all papers filed in each case pending in said Court, and no suit or action or motion before said Court shall be tried except it appears on said docket, and all suits, motions and actions shall be tried, continued, or disposed of in the order in which they appear in said docket.

**SECTION 11.** That the County Court of said County, to be held by said County Judge, shall be deemed always open for transaction of any business and the exercise of any jurisdiction conferred upon said County Judge or upon the monthly Courts held by him under existing laws; and that all process will be returnable to the first Monday coming five or more days after the service of such process. Said County Judge shall have the same power to preserve order and impose fines and imprisonments for contempt as other Judges in Tennessee.

**SECTION 12.** That appeals from the County Court in all cases in which said Court has concurrent jurisdiction with the Chancery and Circuit Courts of this State shall be to the Court of Appeals and the Supreme Court of this State in accordance with the rules and regulations of said Appellate Courts and the law as in other such cases made and provided.

**SECTION 13.** That said County Judge shall have the power, right and authority to solemnize the rites of matrimony.

**SECTION 14.** That said County Judge shall have the authority to employ special Counsel to represent the County in the persecution or defense of any claims or actions for or against the County at such price as may be agreed upon by and between said County Judge and the Attorney so employed, and pay for, same out of the County funds upon warrants issued as aforesaid.

**SECTION 15.** That said County Judge shall be thirty years of age, and shall be a resident of Cumberland County, Tennessee, for at least one year before his election or appointment.

As amended by: Private Acts of 1974, Chapter 227

**SECTION 16.** That all laws and parts of laws in conflict with this Act, be, and the same are, hereby repealed, in so far as they conflict with this Act, but not further or otherwise.

**SECTION 17.** That if any section, subsection, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional and void, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, sub-section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, or phrases be declared unconstitutional.

**SECTION 18.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 25, 1935.

**COMPILER'S NOTE:** The office of County Executive acquired the non-judicial duties of the County Judge as a result of the 1977 amendments to Article VII, Section 1 of the Tennessee Constitution and the implementing legislation, Chapter 934 of the Public Acts of 1978, which established the office of County Executive and abolished the office of County Judge.

## Private Acts of 1951 Chapter 247

**SECTION 1.** That in counties having a population of not less than 15,585, nor more than 15,615, according to the Federal Census of 1940, or any subsequent Federal Census, the County Judge is authorized to expend a sum not exceeding Nine Hundred (\$900.00) Dollars per annum for necessary clerical and other office expenses. The said sum shall be expended upon order of the County Judge, and warrants for the same shall be drawn upon the general county funds in monthly payments of expenses incurred.

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

Passed: February 21, 1951.

## Private Acts of 1951 Chapter 248

**COMPILER'S NOTE:** See also T.C.A. 8-24-102 for the current minimum compensation of the County Executive.

**SECTION 1.** That hereafter in counties having a population of not less than 15,585, nor more than 15,615, according to the Federal Census of 1940, or any subsequent Federal Census, the County Judge of said county shall receive in addition to his regular salary now allowed by law, an additional sum of Twelve Hundred (\$1,200.00) Dollars per annum, for his administrative duties and for his services as fiscal agent of said county, the same to be paid monthly from the general county funds.

As amended by: Private Acts of 1953, Chapter 452

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

Passed: February 21, 1951.

## Cumberland Plateau Regional Water Authority

### Private Acts of 1999 Chapter 45

**SECTION 1.** Purpose and creation of Authority.

(a) A governmental authority to be known as the "Cumberland Plateau Regional Water Authority" is hereby created and established for the purpose of planning, acquiring, constructing, improving, extending, furnishing, equipping, financing, owning, operating, and maintaining a water and wastewater system, including treatment, storage, distribution and collection facilities, properties, and services, as hereinafter provided; the selling, donating, conveying, or otherwise disposing of water and wastewater; and undertaking any project or work related thereto or connected therewith. The Authority shall be a public and governmental body acting as an instrumentality and agency of the county and districts, and the powers granted are for public and governmental purposes and matters of public necessity.

(b) The purpose of the Authority is also to plan and develop the water resources of the geographic region and to provide necessary wastewater collection and treatment attendant thereto. The further purpose of the Authority is to provide environmental services and to secure economic benefits to the geographic region that it encompasses and may serve.

**SECTION 2.** Definitions.

Whenever used in this act, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations:

- (1) "Authority" means the Cumberland Plateau Regional Water Authority created by this act;
- (2) "Board" means the Board of Directors of the Authority;
- (3) "Bonds" means bonds, interim certificates or other obligations of the Authority issued pursuant



to this act including joint obligations of the Authority and the county, districts or municipalities;

(4) "County" means Cumberland County, Tennessee;

(5) "Districts" refer to the Catoosa Utility District, the Crab Orchard Utility District, Grandview Utility District, the South Cumberland Utility District, and the West Cumberland Utility District.

(6) "Governing Body" means the Chief Legislative Body of a municipality, as hereinafter defined;

(7) "Municipality" means any county, incorporated city or town, utility district, or other municipal, or governmental body or subdivision in this State, thereof now or hereafter authorized by law to be created;

(8) "Notes" means notes or interim certificates of the Authority issued pursuant to this act, including joint obligations of the Authority and the county and/or districts.

(9) "Person" means any individual, firm, partnership, association, corporation, or any combination thereof;

(10) "Refunding Bonds" means refunding bonds, issued pursuant to this act, including joint obligations of the Authority and the county issued pursuant to this act and Tennessee Code Annotated, Title 9, Chapter 21, Parts 1 and 9, to refund bonds of the Authority or bonds issued to refund bonds or notes of the county, the districts, or a municipality issued by such county, district or municipality, the proceeds of which were used to construct, acquire, extend, improve or equip all or a portion of a system acquired by the Authority or to refund bonds, the proceeds of which were used for such purposes;

(11) "State" means the State of Tennessee; and

(12) "System" means a water and wastewater system, which shall include, but not be limited to, all devices and systems used in the storage, treatment, recycling and reclamation of sewage of residential, commercial and industrial wastes of a liquid nature to restore and maintain the chemical, physical and biological integrity of the State's waters; or any devices and systems used in the treatment and distribution of water, including intercepting sewers, outfall sewers, sewage collection systems, water storage facilities, water transmission lines, pumping, power and other equipment, and other appurtenances, extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities, and any works.

### **SECTION 3. Board of Directors.**

(a) The Authority shall have a Board of Directors in which all powers of the Authority shall be vested. Each Director shall have an equal vote in the affairs of the Authority.

(b) The initial membership of the Board of Directors shall consist of six (6) Directors designated as follows:

(1) The County Executive of Cumberland County or the designee of the County Executive who is named in a revocable written instrument executed by the County Executive;

(2) One (1) Director to be selected by each of the governing bodies of the Catoosa Utility District, the Crab Orchard Utility District, Grandview Utility District, the South Cumberland Utility District, and the West Cumberland Utility District. The governing body of each utility district is hereby authorized to appoint one (1) person as Director.

(3) Upon adoption of a resolution by a two-thirds (2/3) vote of the municipal governing body of the City of Crossville, the governing body of such municipality shall appoint one (1) person to serve as an additional Director on the Board of Directors.

(4) Upon execution of an agreement between any other municipality and the authority as provided for in Section 18 of this act, the governing body of any such municipality shall appoint one (1) person to serve as an additional Director on the Board of Directors.

(c) All vacancies on the Board shall be filled as follows:

(1) For the Director selected pursuant to subdivision (b)(1) above, vacancies shall be filled by the County Executive of Cumberland County or his designee;

(2) For the Directors selected pursuant to subdivision (b)(2) above, vacancies shall be filled by the governing body of the utility district which was represented by the departing Director.

(3) For the Directors selected pursuant to subdivision (b)(3) above, vacancies shall be filled by the governing body of the municipality which was represented by the departing Director.

(d) The term of a Director serving pursuant to subdivision (b)(1) shall be concurrent with the term of office of the County Executive of Cumberland County. The term of a Director serving pursuant to subdivision (b)(2), or the term of a Director representing a utility district pursuant to subdivision (b)(3) shall be four (4) years. The term of a Director serving pursuant to subdivision (b)(3) representing a municipality other than a utility district shall be concurrent with the term of office of the chief executive of such municipality.

(e) A majority of the Board constitutes a quorum, and the Board shall act by a vote of a majority present at any meeting attended by a quorum. Vacancies among the Directors shall not affect their power and authority, so long as a quorum remains. Within thirty (30) days after their selection, as herein provided, the Board shall hold a meeting to elect a Chairman, a Vice-Chairman, a Secretary and a Treasurer, and/or such other officers as shall from time to time be deemed advisable by the Board. The Secretary shall keep minutes of all regular and special meetings of the Authority. Such minutes shall be available for inspection by the public at the office of the Authority at all reasonable times.

(f) The Board shall hold meetings at such times and places as the Board may determine and all such meetings shall be open to the public. Special meetings may be called and held upon such notice and in such manner as the Board may, by resolution, determine. Except as otherwise expressly provided herein, the Board shall establish its own rules of procedure. Any action taken by the Board exercising its powers and authority under the provisions of this act may be exercised by vote or resolution at any regular or special meeting.

(g) All Directors shall serve with compensation as the Board may determine by resolution. The Board, upon a majority vote, may set compensation up to but not exceeding one hundred dollars (\$100) per Director per meeting of the Authority; provided, however, that the Directors shall not be compensated for more than twelve (12) meetings in one calendar year.

#### **SECTION 4. Powers of the Authority.**

The Authority shall have the following powers in addition to those specified in other sections of this act, together with powers incidental thereto or necessary for the performance of those hereinafter stated.

(1) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

(2) To have a seal and to alter the same at pleasure, provided, however, the absence thereof shall have no effect on the validity of any document, instrument or other writing;

(3) To plan, establish, acquire, whether by purchase, exchange, gift, devise, lease, the exercise of the power of eminent domain, or otherwise, and to construct, equip, furnish, improve, repair, extend, maintain, and operate one (1) or more systems within or without the geographic boundary and service areas of the county or districts as such boundaries now or may hereafter exist, including all real and personal property, facilities, and appurtenances which the Board of the Authority may deem necessary in connection therewith and regardless of whether or not such system shall then be in existence;

(4) To enter into agreements with the county, the districts and any municipality for the orderly transfer of all or any part of the system of the county, the districts or such municipality, and to the extent permitted by law and contract, to assume, to reimburse or to otherwise agree to pay outstanding obligations or liabilities of the county, the districts or such municipality incurred to acquire, extend or equip the system;

(5) To enter into agreements with the county, the districts and any other municipality, to acquire by lease, gift, purchase or otherwise any system or property related thereto, of the county, the districts or such municipality and operate such system separately or as a part of its systems; or enter into agreements with the county, the districts or any municipality providing for the operation by the Authority of the system, or any portion thereof, owned by the county, the districts or municipality;

(6) To acquire, whether by purchase, exchange, gift, devise, lease, the exercise of the power of eminent domain, or otherwise, any and all types of property, franchises, assets, and liabilities, whether real, personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges or other encumbrances and to hold, sell, lease, exchange, donate, or convey its properties, facilities, services, but only for the purpose of continuing operation of any system by the Authority, whenever the Board of the Authority shall find such action to be in furtherance of the purposes for which the Authority is hereby created; provided, however, revenues of any system of the Authority is hereby accounted for in such manner as not to impair the obligations of contract with reference to bond issues or other legal obligations of the transferor and shall fully protect and preserve the contract rights vested in the owners of outstanding bonds, obligations, or contractual

interests; provided, further, any income from the sale of the such properties, facilities, and services shall be dedicated to the continued operation of any system by the Authority;

(7) To buy, sell, store, treat and distribute water; to collect and provide treatment for wastewater from, with or to any municipality or other governmental unit of the State or any agency thereof or the United States or any agency thereof, or any persons whether public or private, and to enter into contracts, agreements, or other arrangements with the county, districts, any municipality or other persons in connection therewith;

(8) To make and enter into all contracts, trust instruments, agreements, and other instruments with the county, districts, any municipality, the State or agency thereof, the United States or any agency thereof, or any person, including without limitation, bonds, notes, loan agreements with the Tennessee Local Development Authority and/or the Tennessee Department of Environment and Conservation and other forms of indebtedness as if it were a local government as such term is defined in applicable statutes governing grants and loans, to construct, equip or extend the system, and to enter into contracts for the management and operation of a system or any facilities or service of the Authority for the treatment, processing, collection, distribution, storage, transfer, or disposal of water and wastewater;

(9) To incur debts, to borrow money, to issue bonds, and to provide for the rights of the holders thereof;

(10) To apply for, accept and pledge donations, contributions, loans, guarantees, financial assistance, capital grants, or gifts from the county, districts, any municipality, the State or any agency thereof, the United States or any agency thereof, or any person, whether public or private, for or in aid of the purposes of the Authority, to enter into agreements in connection therewith and to accept the same;

(11) To pledge all or any part of the revenues, receipts, donation, contributions, loans, guarantees, financial assistance, capital grants, or gifts of the Authority, to mortgage and pledge one (1) or more of its systems or any part or parts thereof, whether then owned or thereafter acquired, and to assign and pledge all or any part of its interest in and rights under contracts and other instruments relating thereto as security for the payments of the principal, premium, if any, and interest on bonds, refunding bonds, loan agreements or notes issued by the Authority;

(12) To have control of its systems, facilities, and services with the right and duty to establish and charge rates, fees, rental, tolls, deposits and other charges for the use of the facilities and services of the Authority, of the sale of materials or commodities by the Authority and to collect revenues and receipts therefrom, not inconsistent with the rights of holders of its bonds, refunding bonds, and notes;

(13) To enter onto any lands, waters, and premises for the purpose of making surveys, soundings, and examinations in and for the furtherance of the purposes authorized by this act;

(14) To use any right-of-way, easement, or other similar property right necessary or convenient in connection with a system, held by the State or any political subdivision thereof, provided the governing body of such political subdivision consents to such use;

(15) To employ and pay compensation to such agents, including attorneys, accountants, engineers, architects, and financial advisors, as the Board shall deem necessary for the business of the Authority;

(16) To employ and pay compensation to such employees, including a general manager, who shall have such authority, duties, and responsibilities as the Board deems necessary;

(17) To procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any act of any member, officer, or employee of the Authority in the performance of the duties of the office or employment or any other insurable risk, including the payment of its bonds, refunding bonds or notes, as the Board in its discretion may deem necessary;

(18) To enter into, by contract with the county and/or the districts, or otherwise, a plan for pension, disability, hospitalization and death benefits for the officers and employees of the Authority;

(19) To exercise all powers expressly given to it and necessarily implied therefrom, to make and execute contracts and all other instruments necessary or convenient to do any and all things for the exercise of its powers hereunder, and to establish and make rules and regulations not inconsistent with the provision of this act, deemed expedient for the management of the Authority's affairs;

(20) To adopt by majority vote of the Board the purchasing procedures for utility districts as

defined in Tennessee Code Annotated Title 7, Chapter 82, Part 8; and

(21) To make all necessary investments, in the discretion of the Board, consistent with the powers of local governments to make such investments as provided in Tennessee Code Annotated Title 9, Chapter 1, Section 107.

**SECTION 5.** Condemnation and eminent domain.

The Authority may condemn in its own name any land, rights in land, easements, and/or rights-of-way which in the judgment of the Board, are necessary for carrying out the purposes for which the Authority is created, and such property or interest in such property may be so acquired whether or not the same is owned or held for public use by persons having the power of eminent domain, or otherwise held or used for public purposes; provided, however, such prior public use will not be interfered with by the use to which such property will be put by the Authority; provided further, the exercise of eminent domain power shall be approved by a majority of those present and voting of the Board of the Authority. Such power of condemnation may be exercised in the manner prescribed by any applicable statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain.

**SECTION 6.** Rates sufficient to pay costs and retire bonds.

The Board shall prescribe and collect reasonable rates, fees, tolls, or charges for the services, facilities, and commodities of any system, 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 any system 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, including reserves therefor;
- (2) To pay when due all bonds, notes and interest and premium thereon for the payment of which such revenues are or shall have been pledged, charged, or otherwise encumbered, including reserves therefor; and
- (3) To provide for the extension or improvement of the system. Provided, however, that the Authority shall charge equal rates to the county, the districts, and any municipality hereinafter entering into such an agreement with the Authority as provided in Section 18 of this act. This provision shall apply to the rates charged for the provision of services as outlined in Section 4 (7) of this act.

**SECTION 7.** Notes of the Authority.

(a) The Authority may issue, by resolution adopted by the Board, interest-bearing bond anticipation notes for all purposes for which bonds can be legally authorized and issued by the Authority. Such notes shall be secured by the proceeds from the sale of the bonds in anticipation of which the notes are issued and additionally secured by a lien upon the revenues of the system on a parity with the bonds in anticipation of which such notes are issued. In no event shall the amount of outstanding bond anticipation notes exceed the principal amount of the bonds to be issued by the Authority. The notes shall mature not later than two (2) years from their date of issuance and may be extended or renewed for not more than two (2) additional periods of two (2) years each by resolution of the Board and the issuance of renewal or extension notes.

(b) Notes shall be sold at public or private sale for not less than ninety-seven percent (97%) of the par value thereof and accrued interest as the Board may direct. Notes may be sold in one (1) or more series, may bear such date or dates, may bear interest at such rate or rates (which may vary from time to time), may be payable at such time or times, may be in such denomination or denominations, may be in such form, either coupon or registered, may be payable at such place or places, may be executed in such manner, may be payable in such medium of payment, may be subject to such terms of redemption, without a premium or, for notes sold for not less than the par value thereof and accrued interest, without or with a premium, all as may be provided by resolution of the Board.

(c) Notes shall be executed in the name of the Authority by the proper officials authorized to execute the same, together with the seal of the Authority attached thereto.

(d) The proceeds arising from the sale of such notes shall be disbursed as provided by the resolution authorizing the issuance of the notes. The term "bond anticipation notes" includes interim certificates or other temporary obligations which may be issued by the Authority to the purchaser of such notes upon the terms and conditions herein provided. When the bonds shall be issued and sold a sufficient amount of the proceeds of the bonds shall be applied to the payment of the notes at their maturity or upon their earlier redemption as directed by the Board of resolution.

(e) The Authority herein granted to issue "bond anticipation notes" also includes the issuance of "grant anticipation notes," to be secured by the grant in anticipation of which such notes are issued, with all

provisions of this section being applicable to such grant anticipation notes.

**SECTION 8. Bonds of the Authority.**

(a) The Authority shall have the power to issue bonds from time to time to finance the construction, purchase, acquisition, extension, improvements and equipping of one (1) or more systems. All bonds issued shall be payable solely out of the revenues and receipts derived from the system for which such bonds are issued or as may be designated in the proceedings under which the bonds shall be authorized to be issued. Such bonds may be issued in one (1) or more series, may be executed and delivered at any time and from time to time, may be in such form and denomination and of such terms and maturities, may be subject to redemption prior to maturity either with or without premium, may be in fully registered form, may bear such conversion privileges and 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, and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings whereunder the bonds shall be authorized to be issued.

(b) Bonds may be sold at public or private sale for such price and in such manner and from time to time as may be determined by the Board of Directors to be most advantageous, and the Authority may pay any and all expenses, premiums, and commission which its Board of Directors may deem necessary or advantageous in connection with the issuance thereof.

(c) All bonds and the interest applicable thereto are hereby made and shall be construed to be negotiable instruments.

(d) Interim certificates or notes or other temporary obligations pending the issuance of revenue bonds shall be payable out of proceeds of bonds or other funds of the Authority available for such purpose.

(e) Proceeds of bonds may be used for the purpose of constructing, acquiring, reconstructing, improving, equipping, furnishing, bettering, or extending a system, including the payment of interest on the bonds during construction of any project for which bonds are issued and for two (2) years after the estimated date of completion, the payment of engineering, fiscal, architectural, bond insurance, and legal expenses incurred in connection therewith and the issuance of bonds, and the establishment of a reasonable reserve fund for the payment of principal of and interest on such bonds if a deficiency occurs in the revenues and receipts available for such payment.

**SECTION 9. Refunding bonds of the Authority.**

(a) Any bonds at any time outstanding may at any time and from time to time be funded by the issuance of refunding bonds in such amount as the Board may deem necessary, but not exceeding the sum of the following:

- (1) The principal amount of the bonds being refinanced;
- (2) Applicable redemption premiums thereon;
- (3) Unpaid interest on such bonds to the date of delivery or exchange of the refunding bonds;
- (4) If 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 elected, in its discretion, by the Board, or to the date or dates of maturity, whichever shall be determined by the Board to be the most advantageous or necessary to the Authority;
- (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 Authority, including bond discount deemed by the Board to be necessary for the issuance of the refunding bonds. A determination by the Board that any refinancing is advantageous or necessary to the Authority or that any of the amounts provided in the preceding sentence shall be included in such refinancing, or that any of the obligations to be refinanced shall be called for redemption date or permitted to remain outstanding until their respective dates of maturity, shall be conclusive.

(b) Any such refunding may be effected whether the bonds to be refunded shall have then matured or

shall thereafter mature, either by the exchange of the refunding bonds for the bonds to be refunded thereby with the consent of the holders of the bonds so to be refunded, or by sale of the refunding bonds and the application of the proceeds thereof to the payment of the bonds refunded thereby, and regardless of whether or not the bonds to be refunded were issued in connection with the same projects or separate projects, and regardless of whether or not the bonds proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise.

(c) At the time of delivery of the refunding bonds, the bonds to be refunded will not be retired or a valid and timely notice of redemption of the outstanding bonds is not given in accordance with the resolution, indenture or other instrument governing the redemption of the outstanding bonds, then, prior to the issuance of the refunding bonds, the Board shall cause to be given adequate notice of its intention to issue the refunding bonds. The notice shall be given either by mail to the owners of all the outstanding bonds to be refunded at their addressees shown on the bond registration records for the outstanding bonds, or given by publication, or by such other means which may be deemed sufficient pursuant to the laws of this State. The notice shall set forth the estimated date of delivery of the bonds, refunding bonds and identify the bonds, or the individual maturities thereof, proposed to be refunded; provided, that if portions of individual maturities are proposed to be refunded the notice shall identify the maturities subject to partial refunding and the aggregate principal amount to be refunded within each maturity. If the issuance of the refunding bonds does not occur as provided in the notice, the governing body shall cause notice thereof to be given as provided above. Except as otherwise set forth in this section, the notice required pursuant to this section shall be given whether or not any of the bonds to be refunded are to be called for redemption.

(d) If any of the obligations to be refunded are to be called for redemption, notice of redemption shall be given in a manner required by the proceedings authorizing such outstanding obligations.

(e) 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 bonds being refunded; or

(2) To the extent not required for immediate payment of the bonds being refunded, such proceeds shall be deposited in trust to provide for the payment and retirement of the bonds 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, provisions for the pledging of any such surplus to the payment of the principal of, premium, if any, and interest on any issue or series of refunding bonds. Money in any such trust fund may be invested in the discretion of the Board.

(f) 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.

#### **SECTION 10. Security for payment of bonds and notes.**

(a) The principal of, premium, if any, and interest on any bonds, refunding bonds and notes may be secured by a pledge of revenues and receipts of a system. The proceedings under which the bonds, refunding bonds or notes are authorized to be issued may contain any agreements, provisions and covenants respecting the maintenance of such system or other facilities covered thereby, the fixing and collection of rents, fees or payments with respect to any system or portions thereof covered by such proceedings, the creation and maintenance of special funds from such revenues and from the proceeds of such bonds, refunding bonds and notes and the rights and remedies available in the event of default, all as the Board shall deem advisable and not in conflict with the provisions of this act. To the extent provided in the proceedings authorizing any bonds, refunding bonds or notes, each pledge and agreement made for the benefit of security of any of the bonds, refunding bonds or notes shall continue in effect until the principal of and interest on the bonds, refunding bonds or notes for the benefit of which the same were made shall have been fully paid or adequate provision for the payment thereof shall have been made by the Authority. In the event of a default in such payment or in any agreements of the Authority made as part of the proceedings under which the bonds, refunding bonds or notes were issued, such payment or agreement may be enforced by suit, mandamus, or the appointment of a receiver in equity, or the proceedings under which the bonds, refunding bonds or notes are issued.

(b) The Board may designate the appropriate officials to execute all documents necessary to guarantee or in any other manner to secure the payment of the bonds or notes of the Authority; provided, however, the approval of the governing body of the county or district to such guarantee or security shall have been obtained before the execution of such documents. Provided, further prior to any meeting where such authorization will be considered by the governing body of the county or district, the governing body shall cause reasonable public notice to be published describing the matter to be considered and containing an estimate of the dollar amount of any contingent liability by the county or district of such authorization is

given.

(c) Bonds, notes or refunding bonds may constitute a joint obligation of the Authority and the county or district. Any such bond, note or refunding bond upon which the county is jointly obligated with the Authority may be secured by the full faith and credit and unlimited ad valorem taxing power of the county. Bond, notes or refunding bonds issued as a joint obligation of the Authority and the county shall be issued in the form and manner of Tennessee Code annotated, Title 9, Chapter 21, Parts 1, 2, and 9, where applicable, and in the event of a conflict between this act and Tennessee Code Annotated Title 9, Chapter 21, Parts 1, 2, and 9, then the provisions of Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 2, and 9 shall prevail. Notes issued as a joint obligation of the Authority and the county shall be issued in the form and manner of Tennessee Code Annotated Title 9, Chapter 21, Parts 1, 4 and 5, where applicable and in the event of a conflict between this act and the provisions of Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 4 and 5 shall prevail.

(d) Any bond, note or refunding bond issued under this act may be secured by a mortgage or deed of trust covering any or all part of the property, real or personal, of the Authority. Any pledge, of lien, on revenues, fees, rents, tolls or other charges received or receivable by any local government to secure the payment of any bonds, notes or refunding bonds issued pursuant to the act and the interest thereon, shall be valid and binding from the time that the pledge or lien is created and granted and shall inure to the benefit of the holder or holders of any such bonds, notes or refunding bonds until payment in full of the principal and premium and interest thereon. Neither the resolution nor any other instrument granting, creating or giving notice of the pledge of a lien, or other such security interest, need be filed or recorded to preserve or protect the validity or priority of such pledge or lien.

**SECTION 11.** Exemption from taxation and State regulation.

(a) The Authority, its properties at any time owned by it and the income and revenues therefrom shall be exempt from all State, county and municipal taxation. All bonds, notes and refunding bonds issued by the Authority and the income therefrom shall be exempt from all State, county, and municipal taxation, except inheritance, transfer and estate taxes, or except as otherwise provided by state law. For purposes of Tennessee Code Annotated Title 42, Chapter 2, and any amendments thereto or substitution therefor, bonds issued by the Authority shall be deemed to be securities issued by a public instrumentality or a political subdivision of the State.

(b) Neither the Tennessee Regulatory Authority nor any other Board or commission of like character hereafter created shall have jurisdiction over the Authority in the management and control of a system, including the regulation of its rates, fees, tolls, or charges, except to the extent provided by this act; provided, however, the Authority is subject to regulation by the Department of Health and the Department of Environment and Conservation as a public water supply and public sewerage system.

**SECTION 12.** Liability and indebtedness of political subdivisions.

(a) Neither the county, the districts, the State, nor any municipality other than the Authority shall, except as may otherwise be authorized by the Board of Directors of the Authority and the governing body of the particular governmental entity, in any event be liable for the payment of the principal of, premium, if any, or interest on any bonds, notes or refunding bonds of the Authority or for the performance of any pledge, obligation, or agreement of any kind whatsoever which may be undertaken by the Authority, and none of the bonds, notes or refunding bonds of the Authority or any of its agreements or obligations shall be construed to constitute an indebtedness of the State, or any municipality within the meaning of any constitutional or statutory provision whatsoever.

(b) Bonds, notes or refunding bonds of the Authority shall not constitute a debt or a pledge of the faith and credit of the State or any municipality, except as may otherwise be authorized by the governing body of the county, district or municipality, and the holders or owners of such bonds shall have no right to have taxes levied by any municipality, the State or any other taxing authority within the State for the payment of principal of, premium, if any, and interest on such bonds, but shall be payable solely from revenues and monies pledged for their payment.

(c) Except as may otherwise be authorized by the governing body of the county or district(s) as specified hereinabove, all such bonds shall contain on the face thereof a statement to the effect that the bonds, refunding bonds or notes are not a debt of the State or any municipality or any other taxing authority within the State, but are payable solely from revenues and monies pledged to the payment thereof.

**SECTION 13.** Disposition of Funds.

No part of the net earnings of the Authority remaining after payment of its expenses shall inure to the benefit of any persons except that, at such times as no bonds, note or refunding bonds of the Authority are outstanding and unpaid and adequate provision has been made for the full payment of all liabilities, obligations and contracts of the Authority, and the Authority shall have, by operation of law, been

terminated, any assets of the Authority, to the extent not necessary for such purposes, shall be paid to the county, to the districts, and to any municipality represented on the Board, in equal proportions. To the extent allowed by this act, nothing herein contained shall prevent the Board from transferring its properties in accordance with the terms of any contract, agreement, or covenant entered into or undertaken by the Authority.

**SECTION 14.** Budget: annual audits; contracting procedures; personnel procedures.

(a) The Board shall annually establish and adopt a budget for the Authority.

(b) The Board shall cause to be prepared each fiscal year an annual audit of the books and records of the Authority. The Comptroller of the Treasury, through the Department of Audit, is responsible for determining that such audits are prepared in accordance with generally accepted governmental auditing standards. A copy of such annual audit shall be filed with the office of the County Executive of Cumberland County, and with the governing bodies of the districts. The Board shall establish employment procedures, compensation levels and benefits for the employees of the Authority.

**SECTION 15.** Powers of the districts.

(a) The districts may take all actions hereunder by resolution of its governing body. The districts shall have all powers necessary in order to further the purposes of this act, including without limitation, the power to sell, lease, dedicate, donate, or otherwise convey to the Authority any of its interests in any existing water and wastewater system, franchises, assets, liabilities, or other related property, whether real or personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances, or grant easements, licenses, or other rights or privileges therein to the Authority and to contract with the Authority.

(b) The districts may enter into agreements with the Authority for the orderly transfer of all or any part of its system and to enter into agreement for the Authority to assume, to pay or to refund bonds, refunding bonds and notes issued by the districts or loan agreements entered into by the districts to acquire, construct or equip all or any part of a system.

(c) The districts are authorized to advance, donate or lend money to the Authority and to provide that funds available to it for a system shall be paid to the Authority.

(d) A utility district shall have the same right to enter into any agreement with the Authority that the Board deems necessary to carry out the purposes of this act, as the utility district has to enter into similar agreements with water and wastewater treatment authorities as provided by Tennessee Code Annotated Title 68, Chapter 221, Page 6, and as provided by the Utility District Law, Tennessee Code Annotated Title 7, Chapter 82.

**SECTION 16.** Powers of the County.

(a) The county may take all actions hereunder by resolution of its governing body. The county shall have all powers necessary to further the purposes of this act, including without limitation, the power to sell, lease, dedicate, donate, or otherwise convey to the Authority any of its interests in any existing water and wastewater system, franchises, assets, liabilities, or other related property, whether real or personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances or grant easements, licenses or other rights or privileges therein to the Authority and to contract with the Authority.

(b) The county, through its governing body is authorized to issue joint obligations with Authority and to pledge its full faith and credit and unlimited taxing power to such bonds, note or refunding bonds and to guarantee the bonds, notes or refunding bonds as set forth in Section 10.

(c) The county may enter into agreements with the Authority for the orderly transfer of all or any part of its system and to enter into agreements with the Authority for the Authority to assume, to pay or to refund bonds, refunding bonds and notes issued by the county or loan agreements entered into by the county to acquire, construct or equip all of any part of a system.

(d) The county may advance, donate or lend money to the Authority and to provide that funds available to it for a system shall be paid to the Authority.

(e) The county has the power to enter into any other agreement with the Authority that the Board deems necessary to carry out the provisions of this act.

**SECTION 17.** Powers not restricted.

Neither this act nor anything herein contained shall be construed as a restriction or a limitation upon any powers which a county, city or utility district might otherwise have under any laws of this State, but shall be construed as cumulative of and supplemental to any such powers. No proceeding, notice, or approval



shall be required with respect to the issuance of any bonds, refunding bonds or notes of the Authority or any instrument as security therefor except as provided in this act, any law to the contrary notwithstanding; provided, however, nothing herein shall be construed to deprive the State of Tennessee and its governmental subdivisions of their respective police powers, or to impair any power of any official or agency of said State and its governmental subdivisions which may be otherwise provided by law.

**SECTION 18.** Agreements with the Authority.

The Authority is hereby authorized, whenever the same shall be found desirable by its Board, to enter into contracts, agreements or other arrangements with any municipality regarding a system, any facility, or any service of the Authority. Any such contract or agreement may extend for any period not exceeding forty (40) years from the date thereof.

Upon execution of such agreement, the governing body of each municipality shall appoint one (1) person to serve as an additional Director on the Board of Directors of the Authority, pursuant to the terms set forth in Section 3 of this act.

Any utility district seeking to enter into such agreement with the Authority shall have the same rights and liabilities as it would otherwise have in entering into a similar agreement with a water and wastewater treatment authority as provided by Tennessee Code Annotated Title 68, Chapter 221, Part 6, and as provided by the Utility District Law, Tennessee Code Annotated Title 7, Chapter 82.

**SECTION 19.** Liberal construction.

This act is remedial in nature and shall be liberally construed to effect its purpose of providing for a systematic and efficient means of distributing and encouraging the best utilization and conservation of water resources and wastewater service and the powers herein granted may be exercised without regard to requirements, restrictions or procedural provisions contained in any other law or charter except as herein expressly provided. Provided, however, that the continued operation of any utility district entering into an agreement with the Authority, including the districts, as provided in Section 18 of this act, shall be in compliance with the Utility District Law, Tennessee Code Annotated, Title 7, Chapter 82.

**SECTION 20.** Severability.

If any provision of this act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision or application 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 21.** Local approval.

This act shall not take effect unless approved by a two-thirds (2/3) favorable vote of the Governing Body of Cumberland County, Tennessee, which action may be by resolution. Its approval or disapproval shall be proclaimed by the Presiding Officer of the Governing Body and certified by such officer to the Secretary of State.

**SECTION 22.** Effective date.

This act shall take effect immediately upon becoming law, for purposes of approving or rejecting the provisions of this act, the public welfare requiring it. For all other purposes, the act shall be effective only upon securing the approval as required by Section 21.

Passed: May 28, 1999.

## Cumberland Plateau Water Authority

### Private Acts of 2022 Chapter 58

**SECTION 1.** Creation of Authority.

A water and wastewater authority to be known and designated as the Cumberland Plateau Water Authority is hereby created and established for and on behalf of the citizens of Cumberland County, Tennessee.

**SECTION 2.** Purpose of Authority.

It is hereby declared that the Cumberland Plateau Water Authority created pursuant to this act shall be public and a governmental body and a political subdivision of the State of Tennessee. It is further declared that the planning, acquisition, operating, and financing of water and wastewater systems by said Authority is hereby declared to be a public and governmental purpose and a matter of public necessity.

**SECTION 3.** Definitions.

Whenever used in this act, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations:

- (a) "Authority" means the Cumberland Plateau Water Authority created by this act;
- (b) "Board" means the board of commissioners of the Authority;
- (c) "Bonds" means bonds, interim certificates, or other debt obligations of the Authority issued pursuant to this act, including joint obligations of the Authority and the County and/or City;
- (d) "City" means the City of Crossville, Tennessee;
- (e) "County" means Cumberland County, Tennessee;
- (f) "Districts" means any water utility within the region;
- (g) "Governing Body" means the chief legislative body of the County, the City, or the Districts;
- (h) "Municipality" means any county, incorporated city or town, utility district, or other municipal body or subdivision in this State, thereof now or hereafter authorized by law to be created;
- (i) "Notes" means notes or interim certificates of the Authority issued pursuant to this act, including joint obligations of the Authority and the County and/or the City;
- (j) "Person" means any individual, firm, partnership, association, corporation, or any combination thereof;
- (k) "Refunding Bonds" means refunding bonds, issued pursuant to this act, including joint obligations of the Authority and the County and/or the City issued pursuant to this act and Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 9, and 10 to refund bonds of the Authority or bonds issued to refund bonds or notes of the County, the City, or the Districts, issued by the County, the City, or the Districts, the proceeds of which were used to construct, acquire, extend, improve, or equip all or a portion of a system acquired by the Authority or to refund bonds, the proceeds of which were used for such purposes;
- (l) "State" means the State of Tennessee;
- (m) "System" means a water or wastewater system used in the treatment and distribution of water or the collection and treatment of wastewater, including treatment facilities, transmission lines, distribution lines, collection lines, storage facilities, pumping, power, and other equipment, and their appurtenances, extensions, improvements, remodeling, additions, and other alterations thereof; and
- (n) "Utility" means any public or quasi-public entity that provides water or wastewater services to the public.

**SECTION 4. Board of Commissioners - Qualification and Selection.**

(a) The governing body of the Authority shall be a board of commissioners of seven (7) persons of good standing and reputation who shall have been residents of Cumberland County for more than one (1) year. No such person shall be an employee of any water or wastewater utility in Cumberland County.

(b) The board of commissioners shall consist of the following persons:

(1) One (1) representative who resides within the geographic boundaries of the Crab Orchard Utility District as the Crab Orchard Utility District exists on the date of the adoption of this act. This representative will be appointed by the Cumberland County Mayor and approved by a majority of the governing body, and will serve an initial term of four (4) years;

(2) One (1) representative who resides within the geographic boundaries of the South Cumberland Utility District as the South Cumberland Utility District exists on the date of the adoption of this act. This representative will be appointed by the Cumberland County Mayor and approved by a majority of the governing body, and will serve an initial term of three (3) years;

(3) One (1) representative who resides within the geographic boundaries of the West Cumberland Utility District as the West Cumberland Utility District exists on the date of the adoption of this act. This representative will be appointed by the Cumberland County Mayor and approved by a majority of the governing body, and will serve an initial term of two (2) years;

(4) One (1) representative who resides within the geographic boundaries of the Catoosa Utility District as the Catoosa Utility District existed on August 18, 2005, which is the date Catoosa Utility District consolidated with the City of Crossville. This representative will be appointed by the Cumberland County Mayor and approved by a majority of the governing body, and will serve an initial term of one (1) year; and

(5) Three (3) representatives who shall reside within the municipal boundaries of the City of Crossville, which are not included within the geographic boundaries of the Crab Orchard Utility District, South Cumberland Utility District, or West Cumberland Utility District. These three (3) representatives will

be appointed by the Mayor of the City of Crossville and approved by a majority of the governing body. The Mayor of the City of Crossville will designate one (1) representative to serve an initial term of four (4) years, one (1) representative to serve an initial term of three (3) years, and one (1) representative to serve an initial term of two (2) years.

(c) Vacancies on the Authority's board shall be filled by the appointing authority for that commissioner office as set forth in Section 4(b). The appointee must reside within the same geographic boundaries as the appointee's predecessor as set forth in Section 4(b).

(d) No later than thirty (30) days prior to the expiration of the term of office of any incumbent commissioner or within thirty (30) days after the occurrence of a vacancy caused by non-residence, incapacity, resignation, or death of a commissioner, the appointing authority for that commissioner office will appoint an individual person to fill the vacancy.

(e) The term of office of each commissioner shall be four (4) years after the initial term of office to create staggered terms. Upon the expiration of a commissioner's term, the commissioner shall continue to hold office until a successor is appointed and qualified to serve. Any vacancy by reason of non-residence, incapacity, resignation, or death of a commissioner shall be filled for the unexpired term.

#### **SECTION 5. Board of Commissioners - Officers and Meetings.**

(a) A majority of the board constitutes a quorum, and the board shall act by a vote of a majority present at any meeting attended by a quorum.

(b) At its first meeting and at the first meeting of each calendar year thereafter, the board shall elect one (1) of its members to serve as Chairman, Vice-Chairman, and Secretary of the board. The board may establish other officer positions from time to time as deemed advisable by the board. The Secretary shall keep minutes of all regular and special meetings of the Authority.

(c) The board shall hold meetings at such times and places as the board may determine and all such meetings shall be public meetings under Tennessee Code Annotated, Title 8, Chapter 44, Part 1. Special meetings may be called and held upon such notice and in such manner as the board may determine. Except as otherwise expressly provided herein, the board shall establish its own rules of procedure for its board meetings.

(d) All powers of the Authority shall be vested in the board of commissioners, which shall exercise these powers by vote or resolution. Each commissioner shall have an equal vote on all matters.

(e) All board members shall serve without compensation, but such members may receive per diem payments for not more than twelve (12) meetings of the board of commissioners in any calendar year, at a rate not greater than three hundred dollars (\$300) per meeting, which the board may establish by resolution. The board members may be reimbursed from Authority funds for any actual, reasonable expenses that the board member may incur as an incident to holding office as a board member in accordance with the expense reimbursement policy adopted by the board for the Authority. The board members may be eligible for medical insurance coverage and life insurance coverage to the same extent as the employees of the Authority.

#### **SECTION 6. Powers of the Authority.**

The Authority shall have the powers necessary to accomplish the purpose of this act (excluding the power to levy and collect taxes) including, but not limited to, the following:

(a) To have perpetual succession, to sue and be sued, and to adopt a corporate seal.

(b) To plan, establish, acquire, construct, equip, furnish, improve, repair, extend, maintain, and operate one (1) or more water and wastewater systems within or without Cumberland County, including all real and personal property, facilities, improvements and appurtenances, which the board of the Authority may deem necessary in connection therewith and regardless of whether or not such system shall then be in existence.

(c) To enter into agreements with the County, the City, the Districts, or any other municipality for the orderly transfer of all or any part of its water system or wastewater system provided that the governing body of the entity has irrevocably voted:

(1) To consolidate the system into the Authority or to transfer the system to the Authority; and

(2) To the extent permitted by law and contract, to assume, reimburse, or otherwise agree to pay outstanding obligations or liabilities of the County, the City, the Districts, or other municipalities incurred to acquire, extend, or equip the system.

(d) To enter into agreements with the County, the City, the Districts, or any other municipality to acquire by purchase, exchange, gift, devise, lease, the exercise of the power of eminent domain, or otherwise,

any system or property related thereto of the County, the City, the Districts, or any other municipality and to own and operate such system separately or as a part of the Authority's system; or to enter into agreements with the County, the City, the Districts, or any other municipality providing for the operation by the Authority of the system, or any portion thereof, owned by the County, the City, the Districts, or any other municipality.

(e) The Authority will ensure that all employees acquired through contract with any utilities will not suffer any loss of wages and benefits, and all employees of the Authority will be members of the Tennessee Consolidated Retirement System (TCRS), or may continue in their current retirement program.

(f) To buy, sell, store, treat, and distribute water and to collect and treat wastewater for persons, for any county, municipality, or other political subdivision of the State, the State, or any agency thereof, or the United States or any agency thereof, and to enter into contracts, agreements, or other arrangements with such persons or entities therewith.

(g) To make and enter into all contracts, trust instruments, agreements, and other instruments with the County, the City, the Districts, any other municipality, the State or any agency thereof, the United States or any agency thereof, or any person, whether public or private, bonds, notes, loan agreements with the Tennessee Local Development Authority and/or the Tennessee Department of Environment and Conservation and other forms of indebtedness as if it were a local government as such term is defined in applicable statutes governing grants and loans, to construct, equip, or extend the system, and to enter into contracts for the management and operation of a system or any facilities or service of the Authority for the treatment, processing, collection, distribution, storage, transfer, or disposal of water and wastewater.

(h) To incur debts, borrow money, issue bonds, and provide for the rights of the holders thereof.

(i) To apply for, accept and pledge donations, contributions, loans, guarantees, financial assistance, capital grants, or gifts from the County, the City, the Districts, any other municipality, the State or any agency thereof, the United States or any agency thereof, or any person, whether public or private, for or in aid of the purposes of the Authority, and to enter into agreements in connection therewith and to accept the same.

(j) To pledge all or any part of the revenues, receipts, donations, contributions, loans, guarantees, financial assistance, capital grants, or gifts of the Authority, to mortgage and pledge one (1) or more of its systems or any part or parts thereof, whether then owned or thereafter acquired, and to assign and pledge all or any part of its interest in and rights under contracts and other instruments relating thereto as security for the payments of the principal, premium, if any, and interest on bonds, refunding bonds, loan agreements, or notes issued by the Authority.

(k) To have control of its systems, facilities, and services with the right and duty to establish and charge rates, fees, and charges for the use of the Authority's systems, facilities and services and to collect revenues and receipts therefrom, not inconsistent with the rights of holders of its bonds, refunding bonds, and notes.

(l) To enter onto any lands, waters, and premises for the purpose of making surveys, soundings, and examinations in and for the furtherance of the purposes authorized by this act.

(m) To use any right-of-way, easement, or other similar property right necessary or convenient in connection with a system, held by the State or by any political subdivision thereof, provided the governing body of such political subdivision consents to such use.

(n) To employ and pay compensation to attorneys, accountants, engineers, architects, financial advisors, technical consultants, and independent contractors as the board shall deem necessary for the business of the Authority.

(o) To employ and pay compensation to such employees, including a general manager, who shall have such authority, duties, and responsibilities as the board deems necessary.

(p) To procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any act of any member, officer, or employee of the Authority in the performance of the duties of the office or employment or any other insurable risk, including the payment of its bonds, refunding bonds or notes, as the board in its discretion may deem necessary.

(q) To enter into contracts with the County, the City, the State of Tennessee, or otherwise for a plan for medical, dental, vision, disability, death benefits, or other employee insurance benefits for the officers and employees of the Authority.

(r) To exercise all powers expressly given to it and necessarily implied therefrom, to make and execute

contracts and all other instruments necessary or convenient to do any and all things for the exercise of its powers hereunder, and to establish and make rules and regulations not inconsistent with the provisions of this act, deemed expedient for the management of the Authority's affairs.

(s) To adopt a purchasing policy in accordance with the purchasing policy provisions for utility districts as set forth in Tennessee Code Annotated, Title 7, Chapter 82, Part 8.

(t) To make all necessary investments, in the discretion of the board, consistent with the powers of local governments to make such investments as provided by State law.

(u) To make all needful rules, regulations and bylaws for the management and the conduct of the affairs of the Authority.

#### **SECTION 7. Exclusive Service Area.**

(a) Upon the acquisition of the City's water system and wastewater system, the Authority shall have the exclusive right to provide water and wastewater service within the City's municipal boundaries at the time of the acquisition and as its municipal boundaries are expanded by annexation or any other means.

(b) Upon the acquisition of the Districts, the Authority shall have the exclusive right to provide water and wastewater service within the geographic boundaries of the Districts as they existed on the date of the acquisition.

(c) By resolution of the board, the board may designate any other areas in Cumberland County as the Authority's exclusive service area, including areas:

- (1) That are outside of the geographic boundaries of any utility district located in Cumberland County;
- (2) That have not consolidated with the Authority; or
- (3) That do not have water or wastewater service from any other utility.

#### **SECTION 8. General Manager.**

(a) The board may appoint a general manager who shall be the chief executive and administrative officer of the Authority, and the Authority may enter into a contract with him or her establishing his or her salary, term of office, and duties.

(b) The general manager shall appoint the Authority's employees and shall fix their duties and compensation.

(c) The general manager shall appoint the Authority's auditor, legal counsel, engineer, other technical consultants and independent contractors as they are needed, subject to the approval of the board.

(d) The general manager shall submit such periodic reports to the board as it may direct.

(e) The general manager shall attend all meetings of the board.

(f) The general manager shall perform all other duties as directed by the board.

#### **SECTION 9. Condemnation and Eminent Domain.**

The Authority may condemn in its own name any land, rights in land, easements, and/or rights-of-way, which in the judgment of the board are necessary for carrying out the purposes for which the Authority is created. Such property or interest in such property may be so acquired whether or not the same is owned or held for public use by persons having the power of eminent domain, or otherwise held or used for public purposes; provided, however, such prior public use will not be interfered with by the use to which such property will be put by the Authority. Such power of condemnation may be exercised in the manner prescribed by any applicable statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain.

#### **SECTION 10. Rates, Fees, and Charges.**

(a) The board shall prescribe and collect reasonable rates, fees, and charges for the services, facilities, and commodities of any system and shall revise such rates, fees, and charges from time to time whenever necessary to ensure that any Authority's water and wastewater systems shall be and always remain self-supporting. The rates, fees, 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, including reserves therefor;

(2) To pay when due all bonds, notes, and interest and premium thereon for the payment of which such revenues are or shall have been pledged, charged, or otherwise encumbered, including reserves therefor; and

(3) To provide for the extension or improvement of the system.

**SECTION 11.** Notes of the Authority.

(a) By resolution adopted by the board, the Authority may issue interest-bearing bond anticipation notes for all purposes for which bonds can be legally authorized and issued by the Authority. Such notes shall be secured by the proceeds from the sale of the bonds in anticipation of which the notes are issued and shall be secured by a lien upon the revenues of the Authority's system on a parity with the bonds in anticipation of which such notes are issued. In no event shall the amount of outstanding bond anticipation notes exceed the principal amount of the bonds to be issued by the Authority. The notes shall mature not later than two (2) years from their date of issuance and may be extended or renewed for not more than two (2) additional periods of two (2) years each by resolution of the board and the issuance of renewal or extension notes.

(b) Notes shall be sold at public or private sale for such price and in such manner as the board may direct. Notes may be sold in one (1) or more series, may bear such date or dates, may bear interest at such rate or rates (which may vary from time to time), may be payable at such time or times, may be in such denomination or denominations, may be in such form, either coupon or registered, may be payable at such place or places, may be executed in such manner, may be payable in such medium of payment, may be subject to such terms of redemption, without a premium or, for notes sold for not less than the par value thereof and accrued interest, without or with a premium, all as may be provided by resolution of the board.

(c) Notes shall be executed in the name of the Authority by the proper officials authorized to execute the same, together with the seal of the Authority attached thereto.

(d) The proceeds arising from the sale of such notes shall be disbursed as provided by the resolution authorizing the issuance of the notes. As used in this section, the term "bond anticipation notes" includes interim certificates or other temporary obligations, which may be issued by the Authority to the purchaser of such notes upon the terms and conditions herein provided. When the bonds are issued and sold, a sufficient amount of the proceeds of the bonds shall be applied to the payment of the notes at their maturity or upon their earlier redemption as directed by the board by resolution.

(e) The Authority herein granted to issue "bond anticipation notes" also includes the issuance of "grant anticipation notes," to be secured by the grant in anticipation of which such notes are issued, with all provisions of this section being applicable to such grant anticipation notes.

**SECTION 12.** Bonds of the Authority.

(a) The Authority shall have the power to issue bonds from time to time to finance the construction, purchase, acquisition, extension, and improvement of one (1) or more systems. All bonds issued shall be payable solely out of the revenues and receipts derived from the system for which such bonds are issued or as may be designated in the proceedings under which the bonds shall be authorized to be issued. Such bonds may be issued in one (1) or more series, may be executed and delivered at any time and from time to time, may be in such form and denomination and of such terms and maturities, may be subject to redemption prior to maturity either with or without premium, may be in fully registered form, may bear such conversion privileges and 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, and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings whereunder the bonds shall be authorized to be issued.

(b) Bonds may be sold at public or private sale for such price and in such manner and from time to time as may be determined by the board to be most advantageous, and the Authority may pay any and all expenses, premiums, and commission, which its board may deem necessary or advantageous in connection with the issuance thereof.

(c) All bonds and the interest applicable thereto are hereby made and shall be construed to be negotiable instruments.

(d) Interim certificates or notes or other temporary obligations pending the issuance of revenue bonds shall be payable out of proceeds of bonds or other funds of the Authority available for such purpose.

(e) Proceeds of bonds may be used for the purpose of constructing, acquiring, reconstructing, improving, equipping, furnishing, bettering, or extending a system, including the payment of interest on the bonds during construction of any project for which bonds are issued and for two (2) years after the estimated date of completion, the payment of engineering, fiscal, architectural, bond insurance, and legal expenses incurred in connection therewith and the issuance of bonds, and the establishment of a reasonable reserve fund for the payment of principal of and interest on such bonds if a deficiency occurs in the revenues and

receipts available for such payment.

**SECTION 13.** Refunding Bonds of the Authority.

(a) Any bonds at any time outstanding may at any time and from time to time be funded by the issuance of refunding bonds in such amount as the board may deem necessary, but not exceeding the sum of the following:

- (1) The principal amount of the bonds being refinanced;
- (2) Applicable redemption premiums thereon;
- (3) Unpaid interest on such bonds to the date of delivery or exchange of the refunding bonds;

(4) If 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 elected, in its discretion, by the board, or to the date or dates of maturity, whichever shall be determined by the board to be the most advantageous or necessary to the Authority;

(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 Authority, including bond discounts deemed by the board to be necessary for the issuance of the refunding bonds. A determination by the board that any refinancing is advantageous or necessary to the Authority or that any of the amounts provided in the preceding sentence shall be included in such refinancing, or that any of the obligations to be refinanced shall be called for redemption on the first or any subsequent available redemption date or permitted to remain outstanding until their respective dates of maturity, shall be conclusive.

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

(c) At the time of delivery of the refunding bonds, the bonds to be refunded will not be retired or a valid and timely notice of redemption of the outstanding bonds is not given in accordance with the resolution, indenture, or other instrument governing the redemption of the outstanding bonds, then, prior to the issuance of the refunding bonds, the board shall cause to be given adequate notice of its intention to issue the refunding bonds. The notice shall be given either by mail to the owners of all the outstanding bonds to be refunded at their addressees shown on the bond registration records for the outstanding bonds, or given by publication, or by such other means that may be deemed sufficient pursuant to the laws of this State. The notice shall set forth the estimated date of delivery and refunding of the bonds, and identify the bonds, or the individual maturities thereof, proposed to be refunded; provided, that if portions of individual maturities are proposed to be refunded, the notice shall identify the maturities subject to partial refunding and the aggregate principal amount to be refunded within each maturity. If the issuance of the refunding bonds does not occur as provided in the notice, the governing body shall cause notice thereof to be given as provided above. Except as otherwise set forth in this section, the notice required pursuant to this section shall be given whether or not any of the bonds to be refunded are to be called for redemption.

(d) If any of the obligations to be refunded are to be called for redemption, notice of redemption shall be given in a manner required by the proceedings authorizing such outstanding obligations.

(e) 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 bonds being refunded; or

(2) To the extent not required for immediate payment of the bonds being refunded, such proceeds shall be deposited in trust to provide for the payment and retirement of the bonds being refunded and to pay any expenses incurred in connection with such refunding, but provisions may be made for the pledging and disposition of any surplus, including, without limitation, provisions for the pledging of any such surplus to the payment of the principal of, premium, if any, and interest or any issue or series of

refunding bonds. Money in any such trust fund may be invested in the discretion of the board.

(f) 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.

**SECTION 14.** Security for Payment of Bonds and Notes.

(a) The principal of, premium, if any, and interest on any bonds, refunding bonds, and notes may be secured by a pledge of revenues and receipts of the Authority's system. The proceedings under which the bonds, refunding bonds, or notes are authorized to be issued may contain any agreements, provisions, and covenants respecting the maintenance of such system or other facilities covered thereby, the fixing and collection of rates, fees, or charges with respect to any system or portions thereof covered by such proceedings, the creation and maintenance of special funds from such revenues and from the proceeds of such bonds, refunding bonds, and notes and the rights and remedies available in the event of default, all as the board shall deem advisable and not in conflict with the provisions of this act. To the extent provided in the proceedings authorizing any bonds, refunding bonds, or notes, each pledge and agreement made for the benefit of security of any of the bonds, refunding bonds, or notes shall continue in effect until the principal of and interest on the bonds, refunding bonds, or notes for the benefit of which the same were made shall have been fully paid or adequate provision for the payment thereof shall have been made by the Authority. In the event of a default in such payment or in any agreements of the Authority made as part of the proceedings under which the bonds, refunding bonds, or notes were issued, such payment or agreement may be enforced by suit, mandamus, or the appointment of a receiver in equity, or the proceedings under which the bonds, refunding bonds, or notes are issued.

(b) The board may designate the appropriate officials to execute all documents necessary to guarantee or in any other manner to secure the payment of the bonds or notes of the Authority; provided, however, the approval of the governing body of the County or City to such guarantee or security shall have been obtained before the execution of such documents. Provided, further, that prior to any meeting where such authorization will be considered by the governing body of the County or City, the governing body shall cause reasonable public notice to be published describing the matter to be considered and containing an estimate of the dollar amount of any contingent liability by the County or City as such authorization is given.

(c) Bonds, notes, or refunding bonds may constitute a joint obligation of the Authority and the County or City. Any such bond, note, or refunding bond upon which the County or City is jointly obligated with the Authority may be secured by the full faith and credit and unlimited ad valorem taxing power of the County or City. Bonds, notes, or refunding bonds issued as a joint obligation of the Authority and the County or City shall be issued in the form and manner set forth in Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 2, and 9, where applicable, and in the event of a conflict between this act and Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 2, and 9, then the provisions of Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 2, and 9 shall prevail. Notes issued as a joint obligation of the Authority and the County or City shall be issued in the form and manner set forth in Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 4, and 5, where applicable, and in the event of a conflict between this act and Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 4, and 5, then Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 4, and 5 shall prevail.

(d) Any bond, note, or refunding bond issued under this act may be secured by a mortgage or deed of trust covering any or all part of the property, real or personal, of the Authority. Any pledge, of lien, on revenues, fees, rents, tolls, or other charges received or receivable by any local government to secure the payment of any bonds, notes, or refunding bonds issued pursuant to the act and the interest thereon, shall be valid and binding from the time that the pledge or lien is created and granted and shall inure to the benefit of the holder or holders of any such bonds, notes, or refunding bonds until payment in full of the principal and premium and interest thereon. Neither the resolution nor any other instrument granting, creating, or giving notice of the pledge of a lien or other such security interest, need be filed or recorded to preserve or protect the validity or priority of such pledge or lien.

**SECTION 15.** Exemption from Taxation and State Regulation.

(a) The Authority, its properties, and the income and revenues therefrom shall be exempt from all State, County, and municipal taxation. All bonds, notes, and refunding bonds issued by the Authority and the income therefrom shall be exempt from all State, County, and municipal taxation, except inheritance, transfer, and estate taxes, or except as otherwise provided by the laws of this state.

(b) The Authority is subject to regulation by the Water and Wastewater Financing Board under Tennessee Code Annotated, Section 68-221-1008. The Authority is subject to regulation by the Department of Environment and Conservation as a public water supply and public sewerage system.



**SECTION 16.** Liability and Indebtedness of Political Subdivisions.

(a) Neither the State, any county, or any municipality other than the Authority shall, except as may otherwise be authorized by the board of the Authority and the governing body of the County or City, in any event be liable for the payment of the principal of, premium, if any, or interest on any bonds, notes, or refunding bonds of the Authority or for the performance of any pledge, obligation, or agreement of any kind whatsoever that may be undertaken by the Authority, and none of the bonds, notes, or refunding bonds of the Authority or any of its agreements or obligations shall be construed to constitute an indebtedness of the State, any county, or any municipality within the meaning of any constitutional or statutory provision whatsoever.

(b) Bonds, notes, or refunding bonds of the Authority shall not constitute a debt or a pledge of the faith and credit of the State, any county, or any municipality, except as may otherwise be authorized by the governing body of the County or City, and the holders or owners of such bonds shall have no right to have taxes levied by any county, municipality, the State, or any other taxing authority within the State for the payment of principal of, premium, if any, and interest on such bonds, but shall be payable solely from revenues and monies pledged for their payment.

(c) Except as may otherwise be authorized by the governing body of the County or City, all such bonds shall contain on the face thereof a statement to the effect that the bonds, refunding bonds, or notes are not a debt of the State, any county, any municipality, or any other taxing authority within the State, but are payable solely from revenues and monies pledged to the payment thereof.

**SECTION 17.** Disposition of Funds.

No part of the net earnings of the Authority remaining after payment of its expenses shall inure to the benefit of any persons except that, at such times as no bonds, notes, or refunding bonds of the Authority are outstanding and unpaid and adequate provision has been made for the full payment of all liabilities, obligations, and contracts of the Authority, and the Authority shall have, by operation of law, been terminated, any assets of the Authority, to the extent not necessary for such purposes, shall be paid to the County and the City in equal proportions. To the extent allowed by this act, nothing herein contained shall prevent the board from transferring its properties in accordance with the terms of any contract, agreement, or covenant entered into or undertaken by the Authority.

**SECTION 18.** Budget and Annual Audit.

(a) The board shall annually establish and adopt a budget for the Authority.

(b) The board shall cause to be prepared each fiscal year an annual audit of the books and records of the Authority. The Comptroller of the Treasury, through the Department of Audit, is responsible for determining that such audits are prepared in accordance with generally accepted governmental auditing standards. A copy of such annual audit shall be filed with the office of the County Mayor of Cumberland County and the Mayor of the City of Crossville.

**SECTION 19.** Powers of the Districts.

(a) The Districts may take all actions hereunder by resolution of its governing body. The Districts shall have all powers necessary in order to further the purposes of this act, including without limitation, the power to consolidate with the Authority, the power to contract with the Authority, and the power to sell, lease, dedicate, donate, or otherwise convey to the Authority any of its interests in any existing water and wastewater system, franchises, assets, liabilities, or other related property, whether real or personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances, or grant easements, licenses, or other rights or privileges therein to the Authority.

(b) The Districts may enter into agreements with the Authority for the orderly transfer of all or any part of its system and to enter into agreement for the Authority to assume, pay, or refund bonds, refunding bonds, and notes issued by the districts or loan agreements entered into by the districts to acquire, construct, or equip all or any part of a system.

(c) The Districts are authorized to advance, donate, or lend money to the Authority and to provide that funds available to it for a system shall be paid to the Authority.

(d) The Districts shall have the same right to enter into any agreement with the Authority that the board deems necessary to carry out the purposes of this act, as the Districts have to enter into similar agreements with water and wastewater treatment authorities as provided by Tennessee Code Annotated, Title 68, Chapter 221, Part 6, and as provided by the Utility District Law, compiled in Tennessee Code Annotated, Title 7, Chapter 82.

**SECTION 20.** Powers of the County.

(a) The County may take all actions hereunder by resolution of its governing body. The County shall have

all powers necessary to further the purposes of this act, including, without limitation, the power to sell, lease, dedicate, donate, or otherwise convey to the Authority any of its interests in any existing water and wastewater system, franchises, assets, liabilities, or other related property, whether real or personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances or grant easements, licenses, or other rights or privileges therein to the Authority, and to contract with the Authority.

(b) The County, through its governing body, is authorized to issue joint obligations with the Authority and to pledge its full faith and credit and unlimited taxing power to such bonds, notes, or refunding bonds and to guarantee the bonds, notes or refunding bonds as set forth in Section 14.

(c) The County may enter into agreements with the Authority for the orderly transfer of all or any part of its system and to enter into agreements with the Authority for the Authority to assume, to pay, or to refund bonds, refunding bonds, and notes issued by the County or loan agreements entered into by the County to acquire, construct, or equip all or any part of a system.

#### **SECTION 21. Powers of the City.**

(a) The City may take all actions hereunder by resolution of its governing body. The City shall have all powers necessary to further the purposes of this act, including, without limitation, the power to sell, lease, dedicate, donate, or otherwise convey to the Authority any of its interests in any existing water and wastewater system, franchises, assets, liabilities, or other related property, whether real or personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances or grant easements, licenses, or other rights or privileges therein to the Authority and to contract with the Authority.

(b) The City, through its governing body, is authorized to issue joint obligations with the Authority and to pledge its full faith and credit and unlimited taxing power to such bonds, notes, or refunding bonds and to guarantee the bonds, notes, or refunding bonds as set forth in Section 14.

(c) The City may enter into agreements with the Authority for the orderly transfer of all or any part of its system and to enter into agreements with the Authority for the Authority to assume, to pay, or to refund bonds, refunding bonds, and notes issued by the County or loan agreements entered into by the City to acquire, construct, or equip all or any part of a system.

#### **SECTION 22. Powers not restricted.**

Neither this act nor anything herein contained shall be construed as a restriction or a limitation upon any powers that a county, city, or utility district might otherwise have under any laws of this State, but shall be construed as cumulative of and supplemental to any such powers. No proceeding, notice, or approval shall be required with respect to the issuance of any bonds, refunding bonds, or notes of the Authority or any instrument as security therefor except as provided in this act, any law to the contrary notwithstanding; provided, however, nothing herein shall be construed to deprive the State of Tennessee and its political subdivisions of their respective police powers, or to impair any power of any official or agency of said State and its political subdivisions, which may be otherwise provided by law.

#### **SECTION 23. Agreements with the Authority.**

(a) The Authority is hereby authorized, whenever the same shall be found desirable by its board, to enter into contracts, agreements, or other arrangements with any municipality regarding a system, any facility, or any service of the Authority. Any such contract or agreement may extend for any period not exceeding forty (40) years from the date thereof.

(b) Any municipality seeking to enter into such agreement with the Authority shall have the same rights and liabilities as it would otherwise have in entering into a similar agreement with a water and wastewater treatment authority as provided by Tennessee Code Annotated, Title 68, Chapter 221, Part 6, and as provided by the Utility District Law, compiled in Tennessee Code Annotated, Title 7, Chapter 82.

#### **SECTION 24. Liberal Construction.**

The provisions of this act shall be liberally construed to affect the purposes thereof, and insofar as the provisions of this act may be inconsistent with the provisions of any other law, the provisions of this act shall be controlling.

#### **SECTION 25. Severability.**

If any provision of this act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision or application 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 26.** Local Approval.

This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Cumberland County pursuant to a resolution adopted by such body. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

**SECTION 27.** Effective Date.

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 as provided in Section 26.

Passed: May 5, 2022.

## Administration - Historical Notes

**County Clerk**

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

1. Private Acts of 1943, Chapter 364, authorized the Quarterly County Court of Cumberland County to settle with Powell D. Garrison, a former County Court Clerk, for his ex-officio fees arising during his term of office from September 1, 1934 to January 1, 1943, at an amount not to exceed \$50 per quarter retroactive to the first date. The Act states that the County Court Clerk before Garrison was paid these fees, but Garrison did not apply for them and so was not paid any ex-officio fees although it was common practice in the State to do this.

**County Executive**

The references below are of acts which once applied to the office of county judge, or county executive in Cumberland 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 1855-56, Chapter 253, created the position of County Judge, who would be learned in the law and elected by the people to four year terms. Quorum courts were abolished and all their powers, authority, and responsibility were transferred to the County Judge. He was further given the duties of the Chairman to preside over the meetings of the Quarterly County Court. He would hold the County Court, monthly, on the first Monday. The Act prescribed the jurisdiction of the County Court and set the salary of the Judge at \$5 per day for every day the Court met, but the Quarterly County Court could pay more, if it desired. The County Judge would also serve as the accounting officer and general agent of the County. This Act was repealed by Acts of 1857-58, Chapter 5.
2. Acts of 1889, Chapter 132, created the office of County Judge for Cumberland County who would be at least thirty years old, learned in the law, a citizen of Cumberland County and a person of good moral character who would be elected by the people for a term of eight years. The first election would take place when the next regular election for county officials was held in August, 1890. He would have all the power and jurisdiction and perform all the obligations conferred upon other County Judges. He would likewise be vested with all the powers and duties of the Chairman of the County Court for which he would be paid a salary of \$250 per year. The office of Chairman of the Cumberland County Court was abolished. This Act was repealed by Acts of 1893, Chapter 152.
3. Acts of 1897, Chapter 273, created the office of County Judge for Cumberland County and abolished the position of Chairman of the County Court whose responsibilities and powers were transferred to the County Judge. He would be thirty years of age, or older, a person of good moral character, learned in the law and he would serve for a term of eight years. He would have all the powers and responsibilities of other county judges. His salary would be \$300 a year, payable quarterly out of the general funds of the county. This Act was repealed by Private Acts of 1915, Chapter 210.
4. Private Acts of 1911, Chapter 92, gave the County Judges of Cumberland and Bledsoe Counties the additional duty of keeping the County Warrants Paid Book, the School Warrants Paid Book, and the Road Warrants Paid Book, in each of which would be entered the number, date, to whom issued, and amount of the warrants in each category in the order in which they were issued. All county officials who disbursed funds were required to submit reports monthly, quarterly, and annually as required by statute.
5. Private Acts of 1929, Chapter 285, created the County Judge position in Cumberland County for an eight year term at \$1,500 annual salary, payable monthly, out of regular county funds, who

would be elected by the people. E. G. Tollett, Crossville, was named to the post until the election for judicial officers in 1934. He would have all the prerogatives of other county judges, be commissioned as other judges, and enter into a \$10,000 bond. The Chairman, and Chairman Pro Tem posts of the County Court were abolished because the Judge would discharge their duties. The Judges duties as accounting officer were specified and itemized in Section 8, and among them was the keeping of a warrant book. He was granted concurrent jurisdiction with the Chancellors and Circuit Judges to perform the duties enumerated in the Act. He would preside over meetings of the County Court and could practice law in all courts except his own. This Act was repealed by Private Acts of 1933, Chapter 346, effective on September 1, 1934.

6. Private Acts of 1933, Chapter 347, created the office of Chairman of the County Court of Cumberland County. Three-fifths of the Justices composing the County Court could elect a Chairman either from their number or who could be some other local resident and citizen who would hold office for a year or until his successor was elected. He would take over on September 1, 1934, and serve for the ensuing year. His compensation would be set by the County Court.
7. Private Acts of 1943, Chapter 365, purports to amend Private Acts of 1929, Chapter 285, Section 13, by changing the meeting date for the Quarterly County Court from the second Monday to the first Monday in January, April, July, and October of each year, however, the 1929 act was entirely repealed by Private Acts of 1933, Chapter 346.
8. Private Acts of 1953, Chapter 397, which amended Private Acts of 1935, Chapter 214, granted to the County Judge concurrent jurisdiction with Criminal, Circuit and Chancery Judges to grant writs of attachment, injunction, certiorari, supersedeas, and to hear and determine divorce cases. This Act was repealed by Private Acts of 1974, Chapter 227.
9. Private Acts of 1967-68, Chapter 494, removed the jurisdiction from the County Judge to hear and determine divorce cases. This Act was repealed by Private Acts of 1974, Chapter 227.
10. Private Acts of 1969, Chapter 45, authorized the County Judge of Cumberland County to hear and determine divorce cases. This Act was repealed by Private Acts of 1974, Chapter 227.

#### **County Legislative Body**

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

1. Acts of 1837-38, Chapter 8, Section 16, provided that the County Court of the newly established Cumberland County would meet on the first Monday in February, 1838.
2. Acts of 1855-56, Chapter 6, which created Cumberland County in its present location also provided that the County Court would meet on the first Monday in April, 1856.
3. Acts of 1907, Chapter 168 changed the time for the Quarterly County Court of Cumberland County to meet to the second Monday in January, April, July, and October.
4. Private Acts of 1915, Chapter 654, provided that every Justice of the Peace in Cumberland County would be paid \$2 for each day's attendance at the Quarterly County Court and such mileage, tolls and ferriage fees as were then allowed by law.
5. Private Acts of 1927, Chapter 150, amended Private Acts of 1915, Chapter 654, so as to increase the per diem of Justices of the Peace to \$3 per day.
6. Private Acts of 1967-68, Chapter 320, sets the per diem of the Justices of the Peace in Cumberland County at \$15 per day for each day's attendance at the regular meetings of the County Court. This Act was properly ratified by the County Court.

#### **General Reference**

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

1. Acts of 1861 (1st Ex. Sess.), Chapter 9, provided that Cumberland County would form one regiment of Militia to assume the place of the 160th Regiment and be attached to the 14th Brigade. The officers would meet at the home of Littleton J. Perdue on the first Saturday in March, 1861 and divide the regiment into battalions.
2. Acts of 1881, Chapter 15, amended Section 1792 of the Tennessee Code so as to permit the County Courts of McMinn and Cumberland Counties to each to elect a Notary Public.
3. Acts of 1907, Chapter 169, changed the meeting date of the Cumberland County Revenue Commissioners to the Tuesday before the second Monday in January, April, July, and October of each year.

4. Private Acts of 1921, Chapter 398, authorized the County Court to appropriate the sum of \$300 per year for five years to the American Missionary Association to be used by the Association for their school at Pleasant Hill in Cumberland County.
5. Private Acts of 1937, Chapter 389, validated the actions of the County Court of Cumberland County in making an award to J. A. Norris of \$600.00 because of the loss of his eye while working at his regular duties under the Road Commission and directed the Road Commission to proceed to pay such award to Norris for which the act granted them the power and authority.
6. Private Acts of 1970, Chapter 346, authorized the Quarterly County Court to create a County Planning Commission consisting of a representative from each civil or magisterial district plus the Chairman of the County Court and a member of the Quarterly County Court. The Commission was charged with adopting a master plan for the County, to approve subsequent changes by property owners, and to formulate zoning ordinances for adoption by the Quarterly Court. This Act also established a Board of Zoning Appeals consisting of from three to five members. This Act was not approved by the local authorities and never became effective.

## Chapter II - Animals and Fish

### Deer Hunts

### Private Acts of 1967-68 Chapter 426

**SECTION 1.** It shall be lawful to use buckshot numbers 1-0 and 00 in all open deer hunts held in Cumberland County.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Cumberland County at or before the next regular meeting of the Court occurring more than thirty (30) days after its approval by the Governor. Its approval or non-approval shall be proclaimed by the presiding officer of the Court and certified by him to the Secretary of State.

**SECTION 3.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: March 25, 1968.

### 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 Cumberland County. They are included herein for reference purposes.

1. Acts of 1879, Chapter 133, made it unlawful for any person other than a citizen of Cumberland, Fentress, Morgan, Scott, Campbell, Overton, Putnam, White, Roane, Rhea, Bledsoe, and Van Buren counties to hunt and kill deer, or any species of game for profit but any citizen of the state could kill the same for his own use and consumption. Any Justice of the Peace could fine \$50 for the first offense and \$100 for all subsequent violations with the fine divided between the accuser and the common school fund.
2. Acts of 1889, Chapter 171, made it unlawful to hunt, kill, or trap deer for profit in the State. Cumberland was among about half of the state's counties exempting themselves from the provisions of this Act.
3. Acts of 1889, Chapter 179, made it a misdemeanor for any person, a non-resident of the State, to hunt, shoot, kill, catch, or carry away game of any kind in several named counties, Cumberland being listed among them.
4. Acts of 1893, Chapter 59, made it unlawful for any person to hunt, kill, or capture any wild deer in Bledsoe, Cumberland, Rhea, Fentress, White, Hamilton, Warren, Johnson, Hancock, Unicoi, DeKalb, and Montgomery Counties from December 1 to September 30, of each year. The misdemeanor carried fines from \$25 to \$50.
5. Acts of 1895, Chapter 161, made it unlawful for a period of five years after the passage of this Act to chase deer with dogs or hounds, or to shoot, wound, capture, or kill the same, or in any manner attempt to do so, in Anderson, Claiborne, Campbell, Cocke, Morgan, Scott, Union and Cumberland Counties.

6. Acts of 1901, Chapter 216, declared it to be illegal for anybody to kill any wild deer in Cumberland County for the next four years; or to kill wild turkeys from May 15 through November 1 of each year. Wild turkey hens could also not be killed between March 1 and May 15 of each year. Any person with dead deer or turkeys in their possession were deemed prima facie guilty of violating this act and could be fined from \$5 to \$50, given up to 30 days in jail, or both.
7. Private Acts of 1917, Chapter 686, declared open seasons for some species, as listed, in Bledsoe, Cumberland, Grundy, Marion, Sequatchie, and Van Buren Counties. Turkeys from November 1, to January 1; turkey gobblers from April 1 to May 1; on quail from November 1 to February 1; on deer from November 1 to December 10; and there would be no closed season on squirrels for the entire year.
8. Private Acts of 1931, Chapter 211, made it unlawful to kill deer in Cumberland, Fentress, Morgan, Overton, and Pickett Counties, except two-pronged bucks from October 29 to November 21st of each year. Violators could be fined from \$10 to \$25 for each separate offense.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

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

#### **Agricultural Experiment Station**

1. Private Acts of 1943, Chapter 465, permitted the Quarterly County Court of Cumberland County to issue and sell their interest bearing bonds in the amount of \$15,000 at a maximum interest rate of 4%, not to exceed 20 years to maturity, to purchase a site which would be deeded to the University of Tennessee upon which would be erected an agricultural experiment station. These were general obligation bonds and the court was obligated to levy a tax with which they would be redeemed.
2. Private Acts of 1943, Chapter 466, ratified, confirmed, and legalized all prior proceedings and actions which the County Court may have had in connection with the bond issue of \$15,000 to purchase a site for an agricultural experiment station.

#### **Courthouse**

1. Acts of 1905, Chapter 510, allowed the Quarterly County Court to issue \$25,000 in 5% bonds with a redeemable date between July, 1915 and July 1, 1925. They would be used to construct a courthouse in Crossville and the County Court could levy a tax to create a sinking fund or to redeem the bonds as provided in the Act.

#### **Debts**

1. Private Acts of 1931, Chapter 79, validated and confirmed all prior action taken by the Cumberland Quarterly Court in connection with the issuance of \$85,000 in funding bonds at a maximum 6% interest rate and payable semi-annually at the rate of \$5,000 per year through 1960. The Court could levy a tax sufficient to pay the principal and interest on such bonds.
2. Private Acts of 1931 (2nd Ex. Sess.), Chapter 78, authorized the County Trustee to set apart one-fourth of the funds received by the county from the two cent gasoline tax, known as State aid funds for county highways, to be used solely for retirement of the county's bonded indebtedness.
3. Private Acts of 1939, Chapter 109, validated the actions of the County Court in its issuance to C. H. Little and Company of Knoxville and to Clark and Company of Nashville, of the funding bonds of said county in the amount of \$100,000 which was to be used to pay off and retire the outstanding floating indebtedness of the county. The interest rate was set at 4% and the maturity schedule was to be as established in the Act. The tax levy authorization was included.
4. Private Acts of 1941, Chapter 139, validated, confirmed, and legalized all prior actions taken in connection with the issuance of \$11,000 in refunding bonds dated December 1, 1940 at 3½% interest, and maturing from December 1, 1952, to December 1, 1956. Provision for an annual tax levy to cover these bonds was included.
5. Private Acts of 1941, Chapter 151, validated the proceedings of the Quarterly County Court in connection with the issuance of \$50,000.00 in funding bonds which were dated January 1, 1941. The bonds would mature serially between April 1, 1949 and April 1, 1958 and bear interest at the rate of 3½% per annum. The County would levy a property tax sufficient to pay the principal and

interest on said bonds.

### **Hospital**

1. Private Acts of 1945, Chapter 248, validated the prior proceedings of the County Court in the issuance of \$60,000 in 6% bonds whose proceeds would be turned over to the properly constituted authorities of Uplands Sanitarium, a Public Welfare Corporation to aid in the erection of a hospital in the vicinity of Crossville. These were made the general obligation bonds of the county, and the essential details and tax levy placed into the laws.
2. Private Acts of 1947, Chapter 83, validated the proceedings of the Quarterly County Court in its issuance of \$60,000 in hospital bonds to be used in aid of the construction of a public hospital to be owned by the Town of Crossville but available for use by citizens of Cumberland County which was officially declared to be a proper public purpose and benefit to residents of the county. This Act was upheld by the Supreme Court in Stone v. Crossville, 187 Tenn. 19, 212 S.W.2d 678 (1948).
3. Private Acts of 1947, Chapter 106, authorized the County Court to issue their general obligation bonds without limiting the amount for the purpose of aiding the Town of Crossville in financing the construction, acquisition, improvement or extension of a public hospital to be owned by and located in Crossville but available to residents of the County. The interest rate was pegged at 5% and the maturity period at 40 years. A committee composed of the County Judge, the County Court Clerk, and the County Trustee would supervise the selling of the bonds. Authority for a tax levy was included.

### **Jail**

1. Private Acts of 1937, Chapter 133, permitted the County Court to issue time warrants in order to borrow \$22,000 at 4½% interest, signed by the county judge or chairman, and attested by the county court clerk, to be used to defray the expenses and costs incidental to erecting a new jail building. The warrants would be repaid out of funds raised by a special tax levy.

### **Roads**

1. Private Acts of 1911, Chapter 608, allowed the County Court to issue \$100,000 in 5%, 20 year bonds, to locate, grade, construct, macadamize, with crushed limestone, or otherwise upgrade the turnpike roads of the county, \$40,000 to be used on a turnpike from west to east through the county seat as a part of the Memphis to Bristol Highway. The program would be supervised by five Commissioners whose powers and duties were specified and who would make reports to the County Court periodically. They were also instructed and permitted to withhold 10% on each contractor's payment each time until the work he was performing was completed and accepted.
2. Private Acts of 1915, Chapter 362, allowed a bond issue of \$200,000, in 5%, 40 year bonds of which \$125,000 was allocated to a road running north and south through the county seat; \$20,000 to the east-west Memphis-Bristol Highway, and \$55,000 to those roads which intersected these two. James W. Dorton, C. G. Black, and J. A. Kimbrough were named to the first Board of Highway Commissioners to oversee the program. Their salary would be fixed by the County Court who would also pay them their actual expenses. No conflict of interest or nepotism was permitted. They could, among other things, advertise for bids, award contracts, employ an engineer, a bookkeeper, and necessary clerks, render reports to the county court and exercise the power of eminent domain when essential to changing roads.
3. Private Acts of 1917, Chapter 309, amended Private Acts of 1915, Chapter 362, by revising the allocation of the \$125,000 allocated to the north-south road by allotting \$20,000 of that sum to the work on the Memphis-Bristol Highway, and by placing \$20,000 towards work on the Monterey Road. The remainder of the \$125,000 not used on the north-south road would be placed in a Road Maintenance Fund. All the provisions relating to the Board of Highway Commissioners were retained.
4. Private Acts of 1917, Chapter 591, amended Private Acts of 1915, Chapter 362, by placing \$50,000 of that bond issue, when all the work was completed into interest bearing bonds of the government, or loaned to some National Bank at no less than 4% interest, which interest would be used as a permanent road maintenance fund and the corpus would not be allowed to fall under \$50,000. J. W. Dorton, C. G. Black, and J. A. Kemmer were appointed as a committee to oversee the workings of this fund, no portion of which would be used on ungraded roads.
5. Private Acts of 1923, Chapter 482, amended Private Acts of 1915, Chapter 362, and Private Acts of 1917, Chapter 309, by requiring the Board of Highway Commissioners created therein, to pay all unexpended funds within their control to the Trustee of Cumberland County who shall put them in the road account. All further responsibility except a final report to the county court on the part



of this Board was terminated. The act also amended Private Acts of 1921, the road law at that time, giving those commissioners the authority to expend these funds to upgrade the roads leading from the county seat towards the county lines as far as they would go excepting State and Federal Highways.

6. Private Acts of 1923, Chapter 674, amended Private Acts of 1917, Chapter 591, so as to make the Road Maintenance Fund and the accumulated interest thereon as the same was created by law, available to the Road Commission for expenditure on surfacing roads with macadam, chert, slag, or other materials. The act directs the Road Commission formed in the 1917 Act to pay over to the Road Commission created in the then existing Road Law, Private Acts of 1921, Chapter 849, all their funds and be relieved of all liability.

### **Schools**

1. Private Acts of 1929, Chapter 140, validated, confirmed, and legalized all the proceedings of the Quarterly County Court of Cumberland County had in construction with the issuance of \$75,000 in 5% school bonds, payable from 1935 to 1949. All things were made as legitimate and binding as though the authority existed prior to the issuance.

## Chapter IV - Boundaries

### Creation of County

### Acts of 1855-56 Chapter 6

**SECTION 1.** That a new county is hereby established by the name of Cumberland: beginning at Jack Officer's in Putnam County, running thence a south direction to the thirteen mile tree, on the turnpike road leading from Sparta, in White County, to Kingston, in Roane County; thence, continuing in the same direction, to the Bledsoe County line, by way of the Tarken Ford on the Cany Fork river, and so as to include the place where George Thomas lives, in the new county; thence, running eastwardly to Hiram Stone's; thence, to Lollett's Mill, on the head of the Sequatchee valley; thence to Thompson's Mill, on the stock road in Rhea County; thence, to C. G. Gibson's; thence, northwardly to the Turnpike road before mentioned, leading from Sparta to Kingston, at where the same crosses Mammy's Creek; thence, to the head of Island Creek on the Crab Orchard Mountain; thence, to Davis' Bridge on Daddy's Creek; thence to Davis' Ford, on Obed's River; thence, up Obed's River with its meanderings, to the mouth of Otter Creek; thence, to the mouth of the Wolf-Pen Branch at Clear Creek; thence, up Clear Creek, including T. Tabor's place, and to the Emory Road west of Brice's Creek, and east of Lee Taylor's stand; thence, with said road to the Beginning:--including portions of White, Bledsoe, Rhea, Morgan, Fentress, and Putnam Counties.

**SECTION 2.** That the said county of Cumberland shall have all of the powers and privileges, and be subject to all the restrictions of the other counties in this State, and the citizens thereof shall vote with the counties from which they are taken, for members of Congress, Governor, and members of the General Assembly, until the next apportionment, agreeable to the provisions of the fifth section of the tenth article of the amended Constitution.

**SECTION 3.** That for the due administration of Justice, the different courts to be held in the said county of Cumberland, shall be holden at the house of James Scott, of Crossville, until the seat of justice for said county shall be located, and a suitable house erected for the purpose of holding the courts in; and the county courts shall, in the intermediate time, have full power to adjourn the courts to said other place in the said county, as they may deem better suited for the holding of the same, and to adjourn to the seat of justice when, in their judgment, the necessary arrangements are made for holding the said courts; and all writs and other process returnable to either place, shall be returned to the place to which said courts may have been adjourned by the County Court as aforesaid; and the said courts to be holden in and for the county of Cumberland aforesaid, shall be under the same rules, regulations, and restrictions, and shall have, hold and exercise, and possess, the same powers and jurisdiction as are possessed by said court in any other county in this State.

**SECTION 4.** That all officers, civil and military, in said county of Cumberland, shall continue to hold their offices, and exercise all powers thereof; have the same jurisdiction as other officers in this State, as they had before the said county was established, until others are elected under the provisions of the Constitution; and the said county of Cumberland shall be placed upon an equal footing, possess equal powers and privileges, in all respects, as other counties in this State: Provided, that nothing in this act shall prevent the counties of White, Rhea, Bledsoe, Morgan, Fentress and Putnam, from having and holding the jurisdiction they now have over the territory composing said county, and the citizens thereof,



until the said county of Cumberland is organized, and have elected their officers.

**SECTION 5.** That the Circuit Courts shall be held for the county of Cumberland, by the Judge of the fourth circuit, on the first Mondays in September, January, and May, and shall hold its terms at the house of James Scott, at Crossville, until notified that the Justices of said county have removed the holdings of the courts of said county to the seat of justice, and shall adjourn to the seat of justice.

**SECTION 6.** That it shall be the duty of the County Court of said county, so soon as the Commissioners appointed by this act shall designate a suitable place for the seat of justice for said county, which shall be within five miles of the centre of said county, to appoint five commissioners to whom the said commissioners appointed by this act, shall convey the land acquired for the use of the county aforesaid, on which it shall be the duty of the commissioners appointed by the county court to cause a town to be laid off, with as many streets, and of such width as they may deem proper and necessary, and with such sized lots as they think proper, reserving three acres for a public square, upon which a court house shall be erected, and a lot shall be reserved, sufficient for a jail, and shall reserve such lots for churches as they may see proper; and said town, when laid off, shall be known by such name as the commissioners so appointed by the County Court may give it; and the said commissioners shall proceed to sell the lots upon at least twelve months' credit. They shall reserve a lot suitable for a County Academy, and shall give due notice of the time and place of sale, which shall be on the premises, and shall take bond with sufficient security, from the purchasers of said lots, payable to themselves and successors in office, and shall make titles in fee simple, as commissioners, to the respective purchasers.

**SECTION 7.** That the proceeds of the sale aforesaid, shall be a fund, in the hands of said commissioners, for defraying the expenses incurred in the purchase of the land on which the county seat is erected and located, and also of erecting a court house and jail for said county; and the said commissioners shall superintend the building the court house and jail, and other necessary public buildings; and shall let out said buildings as the County Court may order, upon such terms as said Court may order, and shall take bond with sufficient security from the persons to whom the same is let, payable to themselves and successors in office, in the sum of ten thousand dollars, conditioned for the faithful performance of the contracts.

**SECTION 8.** That said commissioners shall, before they enter upon the duties of the appointment, shall take an oath that they will truly and faithfully perform the different duties by this act enjoined upon them, according to their best judgment, and shall enter into bond and security, in the sum of five thousand dollars, to the Chairman of the County Court of Cumberland aforesaid, conditioned for the faithful performance of their duties, as conferred upon them by this act, which bond shall be deposited in the office of the Clerk of the County Court of said county; they shall keep a regular account of all moneys by them received and expended, and make due return of the same to the County Court of said county, and shall, in all things, be subject to the order of said Court in relation to the buildings and funds, and shall account for all moneys and funds in their hands when required by said court; and shall be entitled to such compensation as the County Court may think reasonable.

**SECTION 9.** That the first County Court for said county, shall be held on the first Monday in April next, 1856, and shall perform all the duties of other county courts; and the first Circuit Court shall be held on the first Monday in May thereafter, and shall have all the jurisdiction of other circuit courts.

**SECTION 10.** That Thomas Frazier, of Bledsoe County, David Snodgrass, of White County, and Isaac Van Winkle, of Morgan County, Daniel Clark, of White, and John Johnson, of Putnam, are hereby appointed commissioners to locate the seat of justice in said county of Cumberland. They shall, so soon as the County Court shall notify them, proceed to locate the seat of justice for said county; purchase the land and convey the same to the commissioners, as directed in this act. Should any of them fail to attend, the County Court shall appoint others to fill their place. This act shall take effect, provided the same does not violate the Constitution in reducing the counties from which they are taken; and the County Court of said county shall cause the same to be surveyed and plat thereof to be filed in the Clerk's office of said court.

**SECTION 11.** That there shall be an election held at the several districts and precincts in said county of Cumberland, on the first Saturday in March, 1856; at which election, the qualified voters of said county shall vote to elect a Sheriff, Clerks of the Circuit and County Courts, a Register and Trustee, who shall, when elected, be qualified at the first term of their respective courts. And the County Court shall elect the county officers which they are entitled to elect, at their first session, and all elections thereafter for county officers shall take place at the times fixed by law for the elections of such officers in other counties in this State. And it shall be the duty of the Sheriff of Morgan County, to give the notice required by law, and by his Deputies, to hold the elections provided for in this section, and to make the same returns and certificates for said county of Cumberland, which are by law required to be made in other counties.

**SECTION 12.** That a County Academy is hereby established in said county, known by the name of Webster Academy, and shall be located in or near the county town of said county, which said Academy

shall be entitled to all the rights and emoluments as other county academies are entitled to; and the Clerks of said courts, and Justices of the Peace, shall be entitled to such books as other clerks and justices are entitled to in this State.

Passed: November 16, 1855.

**COMPILER'S NOTE:** The act creating Cumberland County was cited in the case of Hubbard v. Godfrey, 100 Tenn. 150, 47 S.W. 81 (1898), a suit to quiet title to land. It was mentioned again in Kobbe v. Harriman Land Co., 139 Tenn. 251, 201 S.W. 762 (1918).

## Change of Boundary Lines

### Acts of 1857-58 Chapter 36

**SECTION 2.** That the line between the counties of Fentress and Cumberland be so changed as to run as follows, to wit: Beginning at the ford of Rice's creek, where Officer's turnpike road crosses the same on the line between Morgan and Cumberland, thence down Rice's creek to the mouth, thence up Clear creek to where the road crosses leading from French's old stand to Crossville, thence with said road to French's old stand on Officer's turnpike road; and that the land and citizens included in said attachment be, and the same are hereby attached to the county of Fentress; and that the citizens thereof shall have all the rights and privileges of other citizens of said county of Fentress.

Passed: February 17, 1858.

**COMPILER'S NOTE:** Sections 1 and 3 of the Act concerned other counties and are not reprinted herein.

### Acts of 1873 Chapter 76

**SECTION 1.** That the boundary line separating the County of Roane from the Counties of Cumberland and Morgan, be so changed as to run as follows: Beginning at the point on the east side of White's Creek where the said Creek now intersects the line between the Counties of Roane and Cumberland; thence up said White's Creek to the mouth of Piney Creek; thence up said Piney Creek to the point where said Creek crosses the turnpike, or main road, running between Knoxville and Nashville, and continuing up said Piney Creek to the point where said Creek leaves the present lands of the "Roane Iron Company;" thence along the present line of the said "Roane Iron Company's" land to Clifty Creek; thence down Clifty Creek to Emory River; thence down Emory River to where it intersects the present line between the Counties of Roane and Morgan.

**SECTION 4.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 22, 1873.

**COMPILER'S NOTE:** Sections 2 and 3 of this Act did not affect Cumberland County and are not reprinted herein.

### Private Acts of 1951 Chapter 243

**SECTION 1.** That the boundary line between the Counties of Fentress and Cumberland be and the same is hereby changed so as to include in Cumberland County that portion of the land owned by R. L. Maddox in the Fourth Civil District of Fentress County which lies South of Clear Creek, containing approximately five hundred (500) acres more or less, same being known as the Erwin Jones farm.

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

Passed: February 21, 1951.

### Public Acts of 1972 Chapter 554

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

**SECTION 1.** The tract of land now situated in the 2nd civil district of Cumberland County, hereunder described, is removed from Cumberland County into the 14th civil district of Putnam County, and the county line between Cumberland County and Putnam County at this place shall hereafter run with

boundaries of said tract so as to exclude said lands from Cumberland County and include the same in Putnam County. The tract of land is generally bounded and described as follows:

Beginning at United States Geological Survey Triangulation Station Putnam No. 2034; thence south 1,150 feet to the present county line between Cumberland and Putnam Counties; thence with Cumberland and Putnam County line north 85 degrees west, 2,000 feet to a point in the east right-of-way line of State Route No. 24; thence south with the east right-of-way line of State Route No. 24 to a point in the east right-of-way line 200 feet north of the point of intersection of the east right-of-way line of State Route No. 24 with the north right-of-way line of Interstate Route 40; thence 400 feet more or less in a westerly direction along a line perpendicular to the east right-of-way line of State Route No. 24 to a point in the north right-of-way line of Interstate Route 40; thence then in a northerly direction with the right-of-way line of Interstate Route 40 to the present county line between Cumberland and Putnam Counties; thence north 8 degrees east 11,250 feet more or less to a point; thence south 79 degrees east 650 feet to a point; thence south 4 degrees west 10,400 feet to a point in the Cumberland and Putnam County line; thence south 85 degrees east 1,500 feet to a point; thence south 4 degrees west 10,400 feet to a point in the Cumberland and Putnam County line; thence south 85 degrees east 1,500 feet to a point; thence north 1,150 feet to United States Geological Survey Triangulation Station Putnam No. 2034 the point of beginning.

**SECTION 2.** This Act shall take effect on becoming a law, the public welfare requiring it.

Passed: March 16, 1972.

## Boundaries - Historical Notes

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

1. Acts of 1837-38, Chapter 8, established the County of Cumberland out of parts of Davidson, Robertson, Montgomery and Dickson Counties. Provision was made for an election in January, 1938 for the voters in this area to decide if they wished to form a new county. Cumberland County was not formed and this territory later became part of Cheatham County.
2. Acts of 1837-38, Chapter 124, required that the dividing lines between the counties of Davidson, Robertson, Montgomery, Dickson, and Cumberland be surveyed and marked. A referendum election was to held to approve the establishment of Cumberland County.
3. Acts of 1843-44, Chapter 69, established Cumberland County out of parts of Davidson, Robertson, Montgomery and Dickson Counties. An election was to be held in January, 1844 to approve the establishment of the new county. This Act was repealed by Acts of 1855-56, Chapter 122.
4. Acts of 1857-58, Chapter 83, Section 4, changed the boundary lines between Cumberland and Bledsoe Counties so as to include those lands belonging to Mark Stephens and William Moss in Bledsoe County.
5. Acts of 1859-60, Chapter 211, Section 1, detached all of the lands belonging to the estate of Thomas J. Gillespie from Cumberland County and attached them to Rhea County.
6. Acts of 1859-60, Chapter 211, Section 5, moved the land of Thomas C. Welch from White County into Cumberland County.
7. Acts of 1871, Chapter 104, altered the lines between Cumberland County and Putnam County so as to place all the farm of John H. Officer into Putnam County.
8. Acts of 1879, Chapter 137, Section 2, changed the line between Cumberland and Bledsoe Counties so as to include all the properties of Mark Stephen, E. F. Patton, J. M. Thorm, and the Stephen's heirs in Bledsoe County. Section 8, of the same act, moved the farm of William Powell from Cumberland County into Roane County.
9. Acts of 1883, Chapter 45, transferred the land of John Parks from Cumberland into White County.
10. Acts of 1883, Chapter 58, amended Acts of 1879, Chapter 137, to change the spelling of Thorm to Thurman, so that the land of J. N. Thurman went into Bledsoe County.
11. Acts of 1883, Chapter 109, moved the tract of land known as the Alred and Gore grant, and two tracts belonging to James Bartlett from Cumberland County into the Fourteenth Civil District of Putnam County.
12. Acts of 1889, Chapter 115, changed the lines between Cumberland and Morgan Counties so that the lands of Solomon Norris, Thomas Norris, and Daniel Hall were included in Morgan County, to begin at a point on Big Clear Creek at or near the mouth of Elizabeth Hall's spring branch and thence running up Big Clear Creek to the Fentress County line.

13. Acts of 1897, Chapter 149, moved the land of E. T. Patton from Cumberland to Bledsoe County which land was bounded on the north, south, and west by Stephens, and on the east by Brown.
14. Acts of 1899, Chapter 226, transferred that portion of the land belonging to H. Little which lie in Cumberland County to the remainder of his lands which were located in the 13th Civil District of White County.
15. Acts of 1899, Chapter 366, changed the lines between Cumberland and White Counties so that the portion of lands belonging to H. C. Snodgrass, lying in Cumberland County would be included in White County.

## Chapter V - Court System

### Criminal Court

### Acts of 1907 Chapter 85

**COMPILER'S NOTE:** This act may be superceded by T.C.A. 16-2-506

**SECTION 1.** That a Criminal Court is hereby created and established for the counties of White, Putnam, Cumberland, Overton, Pickett, Clay, Jackson, Macon, Trousdale, and Smith, to be known as the "Criminal Court of the Fifth Judicial Circuit of Tennessee."

**SECTION 2.** That said Criminal Court shall have general common law, and statutory jurisdiction, original and appellate, over all criminal cases arising in said counties to the same extent as is now, or hereafter may be, conferred upon the Circuit and Criminal Courts of this State under the common law or the statutes.

**SECTION 3.** That the times of holding the Criminal Courts in said counties shall be as follows: White County, first Tuesday after the first Monday in January, May, and September; Putnam County, first Tuesday after the third Monday in January, May, and September; Cumberland County, first Monday in February, June, and October; Pickett County, second Monday in February, June, and October; Overton County, third Monday in February, June and October; Clay County, fourth Monday in February, June, and October; Jackson County, first Monday in March, July, and November; Macon County, third Monday in March, July and November; Trousdale County, fourth Monday in March, July, and November; Smith County, second Tuesday after fourth Monday in March, July, and November.

**SECTION 4.** That the Circuit Court Clerks of the several Counties herein named shall be the Clerks of said Criminal Court, and they shall perform the same duties and receive the same compensation as now provided by law.

**SECTION 5.** That the Attorney-general of the Fifth Judicial Circuit shall perform the duties of Attorney-general in the Criminal Court in the counties herein named, except the county of Fentress, and in the county of Fentress the Attorney-general of the Second Judicial Circuit shall perform the duties of Attorney-general.

**SECTION 6.** That immediately upon the passage of this Act, or as soon thereafter as practicable, the Governor shall appoint a Judge of said Criminal Court created by this Act, who shall possess the same qualifications and be clothed with the same powers and jurisdiction as are now provided by law for Judges in this State, and whose salary shall be the same and paid in like manner by the State as that of other Criminal and Circuit Judges of the State.

**SECTION 7.** That the Judge of the Criminal Court created by this Act shall hold the Circuit Courts in the counties of Pickett, Macon, and Trousdale, and it shall be lawful for said Judge of said Criminal Court and the Judge of the Fifth Judicial Circuit to hold each of their courts, both criminal and civil, in any of the different counties of said circuit at the same time; and the Judge of the Fifth Judicial Circuit shall hold the Criminal Court in the counties of Cumberland and Clay, and the Judge of the Fifth Judicial Circuit shall hold the Circuit and Criminal Court for Fentress County.

**SECTION 8.** That all bonds and recognizances heretofore or hereafter taken and all process hereafter issued shall be made returnable to the times and places fixed by law for holding the courts for the several counties herein named.

**SECTION 9.** That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed in so far as they conflict with this Act, but no further or otherwise.

**SECTION 10.** That this Act take effect from and after March 1, 1907, the public welfare requiring it.

Passed: February 7, 1907.

# Probate and Family Court

## Private Acts of 1982 Chapter 223

**SECTION 1.** There is created the Probate and Family Court of Cumberland County.

**SECTION 2.** The judge of the General Sessions Court of Cumberland County, upon being elected and qualified as judge of such court shall also be judge of the Probate and Family Court of Cumberland County.

**SECTION 3.** The Probate and Family Court of Cumberland County shall at all times be treated and considered as a court of record, and such court shall convene and be held five (5) days per week for fifty (50) weeks per year, excluding legal holidays, and at such other times and periods as shall be required to provide for the orderly dispatch and disposition of all business properly coming before it. Such court shall be in continuous session without the intervention of any term or terms and such court shall be held at such time and during such periods as shall be required to provide for the orderly dispatch and disposition of all business properly coming before it.

**SECTION 4.** The Probate and Family Court of Cumberland County shall have jurisdiction in all juvenile cases and proceedings and all powers, duties and authority in regard thereto as set forth in Tennessee Code Annotated, and all other public acts relating to the jurisdiction, authority, conduct, procedure, powers, duties and appellate review of Juvenile Courts.

**SECTION 5.** The Probate and Family Court of Cumberland County shall be the Probate Court for Cumberland County and shall have jurisdiction over all estates as provided by the Tennessee Code Annotated. The Probate and Family Court of Cumberland County shall have concurrent powers and jurisdiction with the Chancery Court in all matters relating to wills; administration of decedents' estates, including the sale of decedents' land for the payment of debts; qualification of guardians or conservators, the affairs of minors, incompetents, and others laboring under a disability; matters pertaining to the sale of property of persons under disability as set out and provided in Tennessee Code Annotated, Title 34, Chapter 6; matters relative to the removal of minority; matters relative to cases of non-support; as well as all other jurisdiction presently or heretofore exercised by the County Judge of Cumberland County.

The County Judge of the County Court of Cumberland County is hereby divested of all jurisdiction and authority in all juvenile cases and proceedings and in all other matters involving competency, guardianships, or conservatorships, and all other judicial functions presently or heretofore exercised by the County Judge of the County Court of Cumberland County and such jurisdiction and authority is hereby transferred to the Probate and Family Court of Cumberland County.

**SECTION 6.** The Probate and Family Court of Cumberland County shall have concurrent jurisdiction, powers and authority with Chancery and Circuit Courts to hear and determine all cases of adoptions, divorce, annulment, alimony and separate maintenance, support under interstate compacts, domestic relations, and all other proceedings and all other relief incident thereto together with full power and authority conferred upon the Circuit Court and Chancery Courts to enforce all its orders, decrees and judgments.

The authority, powers and jurisdiction conferred by this Act shall be coextensive with the boundary lines of such county.

As amended by: Private Acts of 1984, Chapter 231

**SECTION 7.** Appeals from the judgment of the Probate and Family Court of Cumberland County arising under this Act shall be to the Court of Appeals or to the Supreme Court in the same manner as provided in such cases from the Circuit and Chancery Courts.

**SECTION 8.** All cases brought in the Probate and Family Court of Cumberland County pursuant to this Act shall be according to the form for pleadings and practice in the Chancery and Circuit Courts and such cases shall be tried as like cases are tried in the Chancery and Circuit Courts. The clerks of the Probate and Family Court of Cumberland County shall keep a docket of cases filed in the Probate and Family Court and the procedure in each case, and shall enter orders and decrees according to practice and rules of the Chancery and Circuit Courts. The judge of the Probate and Family Court of Cumberland County shall make and cause to be entered on record all such orders and decrees as may be passed by him, according to the practice and rules now in effect in the Chancery and Circuit Courts.

**SECTION 9.** The judge of the Probate and Family Court of Cumberland County shall be a licensed attorney and have the qualifications required for the courts of record provided for in Tennessee Code

Annotated, Section 17-1-106. Such judge shall take and subscribe to the same oath provided by law for Circuit Judges and Chancellors. The oath shall be taken and filed in the same manner and with the same officers as prescribed for Circuit Judges and Chancellors.

**SECTION 10.** The judge of the Probate and Family Court of Cumberland County shall be prohibited from the practice of law in the state courts, or any other courts, and shall not engage in the practice of law in any other capacity notwithstanding any other laws, including Private Acts, to the contrary.

**SECTION 11.** The Probate and Family Court of Cumberland County shall have authority to hear and determine all undisposed cases over which jurisdiction is conferred by this Act and which are pending in the County Court of Cumberland County at the time this Act takes effect as if such cases had originated in the Probate and Family Court of Cumberland County.

**SECTION 12.** The Clerk and Master of Cumberland County shall be the clerk of all matters filed in the Probate and Family Court of Cumberland County and all fees received by the clerk shall continue to be a part of the fees of his office. Necessary clerical help for the clerk shall be funded from the county general fund. The clerk shall make application to the judge of the Probate and Family Court of Cumberland County or to the Chancellor of the Chancery Court of Cumberland County for authority to employ such help as is justified. Cumberland County shall furnish the Probate and Family Court Clerk adequate office space and equipment for the conduct of the affairs of his office.

**SECTION 13.** If any provisions 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 this 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 Cumberland County acting in either regular or special called session before May 1, 1982. 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 15.** 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, 1982.

Passed: March 1, 1982.

## Court System - Historical Notes

### **Board of Jury Commissioners - Jurors**

The following acts once affected jurors or boards of jury commissioners in Cumberland County, but are no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1915, Chapter 565, provided that all jurors in Cumberland County shall receive \$2 daily for each days regular attendance on a jury, plus such mileage and ferriage as was allowed under the law.
2. Private Acts of 1915, Chapter 645, created a Board of Jury Commissioners for Cumberland County. The Board would consist of three discreet men, freeholders or householders, residents of the County for at least three years and who were not county officials or lawyers. They would be appointed by the Circuit or Criminal Court Judge of the county and serve for two years after being sworn into office, and accept certain conditions and obligations as stated in the oath. After selecting a Chairman and Secretary, the Board would meet on the first Wednesday of each month preceding the month in which Court was to start and select 36 names from the tax rolls of the county to be on the jury list. Each member would file 12 names for the jury list which had been agreed upon by the other two members. The Clerk would place all 36 names in a well bound book as a permanent record. The list would be certified in language set out in the act and the whole thing signed by the members. The grand and petit juries would be made up from this list. Provisions are made for the remaining members to carry on if one or more are absent from the meetings.
3. Private Acts of 1917, Chapter 747, amended Private Acts of 1915, Chapter 645, so as to have the same apply to Sequatchie County. This act was repealed by Private Acts of 1919, Chapter 170.
4. Private Acts of 1925, Chapter 637, created a Board of Jury Commissioners for Cumberland County consisting of one member from each civil district who would be appointed by the Circuit Judge to serve 2 years. The Clerk of the Circuit Court would be the ex-officio Clerk of the Commission.



The Commission would select a list of 300-500 names from the tax rolls of the county from which the jury lists would be drawn. The Commission, or the Judge, may call a meeting of the Commission if the jury list were depleted during the two year terms. The minutes of the meeting and the list of jurors would be kept in a well bound book. The names would also be written on a scroll and placed in a box which would be sealed until time to draw out the names. From 10 to 15 days before opening court, the seal would be broken and a child under ten years of age would draw 42 names from the box in the presence of the Commission. This list would be certified to the Circuit Court Clerk who would transmit it to the Sheriff five days before the term of court opened, in order for him to summon them. If these were not enough names, then more could be drawn in the presence of the Judge in open court.

5. Private Acts of 1937, Chapter 208, amended Private Acts of 1925, Chapter 637, in several particulars, in Section 5 by making jury lists subject to an annual drawing rather than biennial; in Section 10, by adding "or Chancery Court," after the word "Judge"; and then it added a new Section 20 which provided 18 names to the Chancellor to serve as jurors in the Chancery Court if any case being heard therein required jurors.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Cumberland 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 1857-58, Chapter 88, enacted after the County was created in the area it now occupies, placed it in the 5th Chancery Division with court to begin on the Thursday after the first Monday of February and after the third Monday in September at Crossville. The State was divided into the Eastern, Middle, Western, 4th, 5th and 6th Divisions.
2. Acts of 1857-58, Chapter 93, Section 4, made Cumberland County into a separate Chancery Division whose court would be held by the Chancellor of the Fifth Chancery Division at Crossville on the Friday after the third Monday in March and September of each year. The Chancellor would appoint a Clerk and Master and those cases which originated in Cumberland County and were pending at other Chancery Courts would be transferred by those Clerks to this Court.
3. Acts of 1857-58, Chapter 95, Section 7, states that the Judge of the Fourth Judicial Circuit will hold the Chancery Court in Cumberland County and possess all the powers, authority and jurisdiction of other Chancellors. Court would be held at Crossville on the Thursdays next after the first Monday of February and the third Monday in September in each year.
4. Acts of 1859-60, Chapter 86, Section 4, provides for the Judge of the 5th Judicial Circuit to hold the Chancery Court at Crossville for Cumberland County on the first Monday in January, May and September.
5. Acts of 1865-66, Chapter 129, Section 4, stated that the Judge of the 17th Judicial Circuit is authorized to hold the Chancery Court for Morgan, Cumberland, Fentress, and Scott Counties at the same time as the law prescribes for the Circuit Courts of those counties, and the respective Clerks and Masters will cause all process to be returned accordingly.
6. Acts of 1870, Chapter 32, divided the State into twelve Chancery districts. The Third District was composed of Polk, McMinn, Meigs, Rhea, Bledsoe, Sequatchie, Marion, Bradley, Hamilton, and Cumberland Counties, and the special court at Chattanooga.
7. Acts of 1870, Chapter 47, provided that the terms of the Chancery Court for Cumberland County would begin on Friday after the first Monday in April and on the second Monday in October. This Act was repealed by Acts of 1870-71, Chapter 40.
8. Acts of 1870-71, Chapter 40, changed court terms in the Third Chancery Division with Cumberland going to the third Monday in March and September.
9. Acts of 1873, Chapter 22, created the 16th Judicial Circuit made up of Anderson, Campbell, Scott, Morgan, Fentress, Overton, and Cumberland Counties, and the Judge of that Circuit would hold Chancery Court in Scott, Cumberland, Fentress, and Morgan Counties at the same time as the Circuit Courts would be conducted which in Cumberland's case would be on the first Monday of April, August, and December. The Governor would appoint a Judge and a District Attorney for the Circuit to serve until an election could be held to elect them.
10. Acts of 1875, Chapter 41, stated that the Circuit and Chancery Courts for Morgan and Cumberland Counties would be held at different times assigning Cumberland's Chancery Court to the third Monday after the fourth Monday in March, July, and November.
11. Acts of 1882 (Ex. Sess.), Chapter 3, states in the caption that it changes the times for the court

- terms of the Circuit and Chancery Court of Cumberland County in the 16th Judicial Circuit but the printer failed to include the body of this act in the printed volume.
12. Acts of 1883, Chapter 12, changed the terms of the Chancery Court of Cumberland County by amending Acts of 1882 (Ex. Sess.) Chapter 3, to the fourth Monday in March, July, and November and the court would be held by the Circuit Judge in that Circuit.
  13. Acts of 1885, Chapter 12, provided that the terms of both the Chancery and Circuit Courts of Cumberland County would begin on the fourth Monday in April, August, and December, all process being returnable to those dates.
  14. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized Tennessee into eleven Chancery Divisions. Cumberland County was in the 5th Chancery Division with Fentress, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, and Macon Counties. Court terms would start on the first Thursday after the third Monday in March and September.
  15. Acts of 1890 (Ex. Sess.), Chapter 19, amended Acts of 1885 (Ex. Sess.), Chapter 20, by changing the times of the Chancery Courts in Fentress, Pickett, White, and Cumberland Counties of the Fifth Chancery Division. Cumberland's Court would commence on the first Monday in May and November.
  16. Acts of 1891 (Ex. Sess.), Chapter 11, changed the court terms throughout the 5th Chancery Division. Cumberland's Court terms would begin on the first Thursday after the second Monday in April and October. This Act repealed Acts of 1885 (Ex. Sess.), Chapter 20, as it pertained to the Fifty Chancery Division.
  17. Acts of 1895, Chapter 15, again changed the Chancery Court terms for all the counties of the 5th Chancery Division. Cumberland County was switched to the fourth Monday in April and October.
  18. Acts of 1897, Chapter 43, changed the times for holding Chancery Court in the Fifty Chancery Division. In Cumberland County, court would be held the second Monday after the fourth Monday in April and September. The Judge of the Fifth Judicial Circuit would hold the Chancery Court in Cumberland County. This Act was amended by Acts of 1897, Chapter 294.
  19. Acts of 1897, Chapter 294, changed the times of the Chancery Court in Cumberland County. The Court would meet on the fourth Monday in April and October, and the Judge of the 5th Judicial Circuit was directed to hold the April term of the Chancery Court.
  20. Acts of 1899, Chapter 427, restructured the Tennessee Judicial System by dividing the State into ten Chancery Divisions. In the Fourth Chancery Division were Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon, and Trousdale. Court terms would start on the fourth Monday in April and October.
  21. Acts of 1901, Chapter 329, changed the court terms for Cumberland County to the second Monday in February and August.
  22. Acts of 1901, Chapter 461, stated that all appeals, appeals in the nature of writs of error, and writs of error to the Supreme Court hereafter taken from the judgment or decree of any court of record in Cumberland County shall be heard at and transferred to the Supreme Court at Nashville.
  23. Acts of 1903, Chapter 97, changed Chancery Court terms in the 4th Division assigning Cumberland County to the first Tuesday after the second Monday in February and August.
  24. Acts of 1905, Chapter 120, changed all the court terms in the 4th Chancery Division in which were Cannon, Trousdale, Smith, Macon, Jackson, Clay, Fentress, Pickett, Overton, Van Buren, White, DeKalb, Morgan, Putnam, and Cumberland whose court term was the first Tuesday after the second Monday in February and August.
  25. Private Acts of 1911, Chapter 507, set the Court terms for Cumberland County on the first Tuesday after the second Monday in February and August.
  26. Private Acts of 1915, Chapter 24, changed the Chancery Court term in Cumberland County to the fourth Monday in February and August.
  27. Private Acts of 1927, Chapter 406, altered the starting dates for the Chancery Courts in Clay and Cumberland Counties. Cumberland Courts would commence on the fourth Monday in April and October.
  28. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the judicial structure of Tennessee into 14 Chancery Divisions. Court terms for Cumberland stayed on the fourth Monday in April and October. Cannon, Trousdale, Overton, Clay, Smith, Macon, Pickett, Fentress, Jackson, DeKalb, Morgan, White, Putnam, and Cumberland Counties made up the Fourth Chancery Division.

### **Chancery Court - Clerk and Master**



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

1. Private Acts of 1917, Chapter 347, made females over the age of 21, married or single, eligible to be appointed as Deputy Clerk and Master in Cumberland County to serve with all the authority and with all the responsibilities and obligations of other Deputies. Anyone accepting this post will be estopped to deny any legal liability which she may assume and she will not be allowed to plead coverture against any suit brought against her on any obligation assumed as a part of her employment.
2. Private Acts of 1925, Chapter 62, provided that all the fees, commissions, emoluments, and prerequisites collected in the office of the Clerk and Master of Cumberland County would be his salary and he would be entitled to no other compensation whatsoever.

### **Circuit Court**

The following acts were once applicable to the circuit court of Cumberland County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1855-56, Chapter 6, which created and established Cumberland County in its present location also provided that all the courts, including the Circuit, would be held at the home of James Scott in Crossville. Cumberland was allocated to the Fourth Judicial Circuit and court terms were designated to begin on the first Monday in January, May, and September.
2. Acts of 1857-58, Chapter 95, created the 16th Judicial Circuit composed of White, Scott, Morgan, Cumberland, Bledsoe, Marion, Sequatchie, Fentress, and Overton Counties. The Sheriff would hold an election in each of those counties for the Judge and the Attorney-General. Court for Cumberland County would be held on the third Monday of April, August, and December. This act was passed on March 12, 1858.
3. Acts of 1857-58, Chapter 98, divided the state into sixteen Judicial Circuits. The Fifth Judicial Circuit was made up of White, Sequatchie, Marion, Bledsoe, Morgan, Scott, Fentress, Overton, and Cumberland Counties. Cumberland's court terms would begin on the first Monday in January, May, and September. This Act was passed on March 20, 1858.
4. Acts of 1859-60, Chapter 86, provided that the Judge of the 5th Circuit would hold the Chancery Court at Crossville in Cumberland County.
5. Acts of 1865-66, Chapter 8, created the 17th Judicial Circuit and assigned Campbell, Anderson, Morgan, Scott, Fentress, and Cumberland Counties to it. Court for Cumberland County would be held at Crossville on the fourth Monday in March, July, and November.
6. Acts of 1865-66, Chapter 129, provided that the Judge of the 17th Judicial Circuit would hold the Chancery Court in Morgan, Fentress, Scott and Cumberland Counties at the time for holding Circuit Court in said counties.
7. Acts of 1869-70, Chapter 25, changed the time of the court term in the circuit court for Cumberland County and repealed Acts of 1865-66, Chapter 129, as the same pertained to the 17th Judicial Circuit. Cumberland County was restored to the Fifth Judicial Circuit and court would be held as previously established.
8. Acts of 1870, Chapter 31, reorganized the circuit court structure of the state into 15 Judicial Circuits. The Third was made up of Morgan, Anderson, Knox, Monroe, Roane, Fentress, Blount, Christiana, if established, and Cumberland Counties.
9. Acts of 1870, Chapter 46, established court terms for all of the circuit courts. Cumberland County Circuit Court would begin on the first Monday after the fourth Monday in March, July, and November.
10. Acts of 1873, Chapter 22, created the 16th Judicial Circuit which was composed of the counties of Anderson, Campbell, Scott, Morgan, Fentress, Overton, and Cumberland. The court would meet in Crossville on the first Monday of April, August and December.
11. Acts of 1882 (Ex. Sess.), Chapter 3, stated in its caption that it would change the time of holding the Circuit and Chancery Courts in Cumberland County, however, this provision was not printed in the body of the Act.
12. Acts of 1883, Chapter 12, amended Acts of 1882 (Ex. Sess.), Chapter 3, to set the times for Cumberland County in the 16th Judicial Circuit. Court would be held at Crossville on the fourth Monday in March, July and November.
13. Acts of 1885, Chapter 12, provided that the Circuit and Chancery Courts for Cumberland County shall begin on the fourth Monday in April, August and December.

14. Acts of 1885 (Ex. Sess.), Chapter 20, restructured the judicial systems of the State into 14 Judicial Circuits plus one special District in Shelby County. Cumberland was delegated to the 5th Judicial Circuit with Pickett, Fentress, Putnam, Overton, Clay, Jackson, Smith, Macon, and Trousdale counties, and was assigned to the first Tuesday after the first Monday in February, June, and October for court dates.
15. Acts of 1887, Chapter 12, changed court terms for all counties in the Fifth Judicial Circuit. Cumberland County was switched to the fourth Monday in January, May, and September.
16. Acts of 1891, Chapter 187, amended Acts of 1885 (Ex. Sess.), Chapter 20, by detaching Cumberland County from the Fifth Judicial Circuit and attaching it to the Third Judicial Circuit whose judge would hold court at Crossville on the second Monday in March, July, and November. This Act was repealed by Acts of 1891 (Ex. Sess.), Chapter 3.
17. Acts of 1891 (Ex. Sess.), Chapter 3, repealed Acts of 1891, Chapter 187, which changed Cumberland County from the 5th to the 3rd Judicial Circuit. Cumberland was restored to the 5th Judicial Circuit and court terms were scheduled to begin on the first Monday after the fourth Monday in January, May, and September.
18. Acts of 1897, Chapter 43, Section 6, changed court terms for some of the counties in the Fifth Judicial Circuit. Cumberland's terms would start on the first Monday in April and the third Monday in October. This Act was amended by Acts of 1897, Chapter 294.
19. Acts of 1897, Chapter 294, shifted court terms in the 5th Judicial Circuit. Cumberland was scheduled to commence on the fourth Monday in April and October with the further provision that the Judge of the 5th Circuit would hold the Chancery term in April for Cumberland County.
20. Acts of 1899, Chapter 427, reorganized the judicial system in Tennessee. The State was divided into 14 Judicial Circuits. Cumberland County remained in the 5th Judicial with Pickett, Putnam, Overton, Clay, Jackson, Smith, Trousdale, White, and Macon Counties. Court would start on the fourth Monday in April and October.
21. Acts of 1901, Chapter 324, changed all the court terms in the 5th Judicial Circuit. The Circuit Court in Cumberland would begin on the first Monday in February, June, and October.
22. Acts of 1901, Chapter 461, stated that all appeals, appeals in the nature of a writ of error, and writs of error to the Supreme Court hereafter taken upon the judgment or decree of any court of record in Cumberland County shall be heard by the Supreme Court in Nashville.
23. Acts of 1907, Chapter 122, again changed the starting dates for circuit court in all the counties of the 5th Circuit which now consisted of Smith, White, Pickett, Overton, Clay, Jackson, Putnam, Trousdale, Macon, and Cumberland whose terms would begin on the first Monday in February, June, and October.
24. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized Tennessee's judicial structure into 20 Circuits of which the 5th Circuit was composed of Clay, White, Overton, Jackson, Putnam, Pickett, and Cumberland Counties, whose court terms would begin on the first Monday in February, June, and October for both civil and criminal cases.

#### **Circuit Court - Clerk**

The following act has no current effect, but once applied to the Cumberland County Circuit Court Clerk. It was repealed, superseded, or never received local approval.

1. Acts of 1903, Chapter 255, was a statewide salary act for Circuit Court Clerks. Cumberland County would have paid their Circuit Court Clerk \$500 per year under this statute and he would be required to file a sworn itemized statement showing all the fees collected in the office. If the fees were less than the salary, the county would pay the difference, but, if they exceeded that sum, the Clerk could retain the excess.

#### **District Attorney General - Assistants and Criminal Investigators**

The following acts once affecting Cumberland County are no longer in effect but are listed here for historical purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1907, Chapter 381, created the office of Assistant Attorney-General in the 5th Judicial Circuit. He would be appointed by the Attorney-General to serve at his pleasure and direction and would be learned in the law and at least 25 years old. His annual salary of \$1,800 would be paid out of the treasury of the State. This Act was expressly repealed by Private Acts of 1919, Chapter 16.
2. Private Acts of 1921, Chapter 553, created the office of Assistant District Attorney General in all

judicial and criminal circuits composed of eleven counties or more and containing Cumberland County (identified only by narrow population class). This act was superseded by the general law codified at T.C.A. 16-2-506.

3. Public Acts of 1976, Chapter 563, created two full-time Assistant District Attorney General positions for the Fifth Judicial Circuit. This act was superseded by the general law codified at T.C.A. 16-2-506.
4. Public Acts of 1978, Chapter 770, created the office of Criminal Investigator for Division I of the Fifth Judicial Circuit. This act was superseded by the general law codified at T.C.A. 16-2-506.

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 1949 Chapter 776

**SECTION 1.** That in all counties of this State having a population of not less than 15,585 nor more than 15,615 according to the Federal Census of 1940, or any subsequent Federal Census, the County Board of Education shall be elected by the qualified voters of the County at the regular biennial election in August, 1950, and each regular biennial election thereafter, and take office September 1, following their election, and shall serve for a term of two years and until their successors are duly elected and qualified.

**SECTION 2.** That there shall be one member of the Board of Education elected from each Civil District of the County and qualification to hold office as a member of the Board of Education shall be a resident of the County and the Civil District in which they are elected, and shall be citizens of recognized integrity, intelligence, and ability to administer the duties of the office.

As amended by: Private Acts of 1992, Chapter 150

**SECTION 3.** That the compensation of each member of the Board of Education shall be \$4.00 for each regular meeting and/or called meeting of the Board of Education, and their salary shall be paid by the County.\*

**SECTION 4.** That the Legislature expressly declares that each section, clause, paragraph, sentence and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portion thereof elided therefrom.

**SECTION 5.** That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed, and this Act shall take effect from and after the General Election in August, 1950, the public welfare requiring it.

Passed: April 13, 1949.

### General

#### Private Acts of 1937 Chapter 555

**SECTION 1.** That the Town of Crossville, Tennessee be, and the same is hereby relieved and discharged from the power and duty of the establishment and maintenance of a public school system, in said municipality; and that the Charter of the Town of Crossville, Tennessee be amended accordingly.

**SECTION 2.** That all of the powers and duties heretofore vested in and imposed upon the Town of Crossville for the establishment and maintenance of a public school system, in and for said municipality, are hereby vested in and imposed upon Cumberland County, Tennessee; and, it shall be the duty of said county to establish and maintain adequate school facilities for the children within said municipality.

**SECTION 3.** That said Cumberland County, Tennessee and/or the Board of Education of said county are hereby authorized and empowered to contract with the Town of Crossville, Tennessee for the lease, rental or purchase of the school building and grounds, now owned and being used for said municipality for said school purposes.

Said rental, or purchase price agreed upon for said building and grounds to be paid as a General Law of the State now directs.

It shall be the affirmative duty of the County of Cumberland or its County Board of Education, to exercise the duties imposed by this Act within such time as to establish and maintain the school on or before the time for the opening of the schools in Cumberland County for the present year of 1937.

**SECTION 4.** That any and all laws and statutes in conflict with the provisions of this Act are hereby repealed.

**SECTION 5.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: May 13, 1937.

## Superintendent of Education

### Private Acts of 1951 Chapter 76

**COMPILER'S NOTE:** Cumberland County did not fall into the population class specified in the Act, nor did any other Tennessee County. Furthermore, the Index of the Private Acts of 1951 attributes the Act to Cumberland County.

**SECTION 1.** That in all counties of this State having a population of not less than 18,830 nor more than 18,850, according to the Federal Census of 1950, or any subsequent Federal Census, county superintendents of public instructions shall be elected by the qualified voters of said counties in the regular biennial election in August, 1952, and take office September 1, following his election, and shall serve for a term of four years and until his successor is duly elected and qualified.

The qualifications, duties and compensation of county superintendents of public instruction in counties to which this Act applies shall be the same as that provided by general law for all such county superintendents.

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

Passed: January 30, 1951.

## Education/Schools - Historical Notes

### Board of Education

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

1. Acts of 1907, Chapter 236, abolished the District Directors in every county of Tennessee and placed the school systems under County Boards of Education and District Boards of Advisors. The County Court would divide each county into five school districts composed of whole civil districts, as nearly equal in population or territory. One member of the Board of Education would be elected from each district, and, if the districts were less than five, from the county at large. The Board would select a Chairman whose duties and responsibilities were specified in the Act. The County Superintendent would be the ex-officio secretary. The power and authority of the Board were specified in this Act. Every Board member would report to the Superintendent on a scholastic census in his district and upon the condition of the physical facilities. The Board members would be paid between \$1.50 to \$3 per day for their services for not more than 30 days a year. The obligations of the Advisory Board, who were elected by the voters of the districts, three per Civil district, for two year terms, were specified.
2. Private Acts of 1927, Chapter 210, amended Public Acts of 1925, Chapter 115, a statewide school law by adding a paragraph at the end of Section 6 which provided for a nine member Board of Education in Cumberland County, and one member from each Civil District and one from the county at large, who would be elected by the County Court for a two year term and every two years thereafter.
3. Private Acts of 1931, Chapter 663, also amended Public Acts of 1925, Chapter 115, by providing for only five members of the Board of Education from the county at large who would have five year terms. The Act names C. E. Keys, as Chairman, to serve to the regular term of the County

Court in January, 1936; A. L. Tabor, to serve until January, 1935; Mrs. T. A. Day, to serve until January, 1934; S. E. Knox, to serve until January, 1933; and M. L. Taylor to serve until January, 1932. This Act was repealed specifically by Private Acts of 1933, Chapter 421.

4. Private Acts of 1957, Chapter 342, created three Educational Districts in Cumberland County. Two members from each District would be elected to the Board of Education plus one member elected at large. Board members would be paid \$6 per day for their attendance at Board meetings. This Act did not receive local approval and never became effective.

#### **Superintendent or Director of Schools**

The acts referenced below once affected the office of superintendent of education in Cumberland County, but are no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1941, Chapter 420, provided that the County Superintendent shall be elected at the regular biennial election in August, 1942, and take office September 1 following his election, serving for two years, at a salary of \$2,000 a year, half to be paid by the State and half by the county.
2. Private Acts of 1943, Chapter 160, provides that the County Superintendent of Education in Cumberland County shall be elected at the regular July session of the Quarterly County Court in July, 1944, take office on the following September 1, and serve for a term of four years at a salary of \$2,500 annually, shared evenly by county and state. The incumbent would finish his term which would expire on September 1, 1944. This Act was repealed by Private Acts of 1951, Chapter 77.

#### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Cumberland 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 1905, Chapter 488, created thirteen school districts in lieu of the four school districts then existing. The boundaries of the thirteen school districts would coincide with those of the former Civil Districts before they were reduced to four by Private Acts of 1903, Chapter 599. The directors of the four school districts would remain in office, in whatever district their residence placed them until their terms expired.
2. Private Acts of 1909, Chapter 494, was a compulsory school attendance law for several counties, including Cumberland, requiring all children from 8 to 14 years of age to attend some school for at least four months or eighty consecutive school days in a year. Parents, or guardians, were responsible for seeing that the law was met. Some exceptions of disability, hardship cases, and private tutorship were recognized. Certain school officials could excuse a child, but not more than 2 days a month. Failure to comply subjected the guilty parent or guardian to a fine, and adequate reports of all absences, and copies of excuses, must be made to the Board of Education. The Superintendent of school shall notify the parent when a child is absent from school.
3. Private Acts of 1909, Chapter 544, was a compulsory attendance law for Cumberland County. Parents and guardians of children between the ages of 8 and 16 must have them in school for 80 days, or 16 weeks, if schools are open that long, unless excused under conditions enumerated in the Act. The County would furnish books and clothes to poor children who could not attend school for those reasons. School officials must submit proper reports to the Board of Education regarding absenteeism of all students. Parents and guardians, guilty of non-compliance, could be fined from \$10 to \$50 for each offense, and each day would constitute a separate offense.
4. Private Acts of 1921, Chapter 56, recited in the preamble that citizens had contributed large sums with which to purchase 440 acres of land at Crossville on which the Methodist Episcopal Church, South, was to build a school for the benefit of all citizens, and that the County Court had previously authorized an appropriation of \$2,500 to the Vocational School provided it was located in Cumberland County and that the General Assembly would approve their action. This Act ratified, approved, and validated the appropriation.
5. Private Acts of 1921, Chapter 398, authorized the County Court of Cumberland County to pay the American Missionary Association, which planned to expand its school with a \$100,000 improvement program, the sum of \$300 a year for five years provided the said Association had spent as much as \$20,000 on its program during the prior year, and, provided further, that the General Assembly would approve the appropriation. This Act did approve the action.
6. Private Acts of 1925, Chapter 483, created the Mayland Special School District out of part of the

Second Civil District of Cumberland County, the boundaries of the district being described therein. The School Board would consist of three members, elected by the people of the district, who would serve two year terms, be of good moral character, twenty-five years or older, and have at least an elementary school education. The Board members were the corporate directors of the school district but would receive no pay other than that the Secretary could get the expense of the school census paid to him. The powers and duties of the Board were enumerated in the Act. The Trustee would pay to the district their pro rata share of general county education funds, and, in addition, a tax would be levied in the district of 20 cents on \$100 of property valuation, plus a \$1 poll tax, to provide money for the school. No more than 25% of the tax would be used for debt service. All children from 6 to 21 may attend and at no cost to them. This Act was repealed expressly by Private Acts of 1931, Chapter 690,, and by Private Acts of 1927, Chapter 349.

7. Private Acts of 1925, Chapter 643, created the "Crossville Special School District" of Cumberland County whose boundaries were described in the Act. A Board of School Directors composed of three members was incorporated who would receive no pay except the Secretary who could collect his expenses for taking the required school census. They would be elected for two year terms in August, 1928, and A. L. Garrison and T. E. Measamer were named as two to serve until then. The Board members must be at least 30 years old, residents of the district, of good moral character and have a high school education. Their powers and duties were specified. A tax not to exceed 50 cents per \$100, and a poll tax of \$1, which could be raised to \$2 the following year, were authorized to provide funds.
8. Private Acts of 1925, Chapter 651, is the same as Private Acts of 1925, Chapter 483, which created the Mayland Special School District. This Act was repealed by Private Acts of 1931, Chapter 690.
9. Private Acts of 1927, Chapter 349, amended Private Acts of 1925, Chapter 651, by changing the boundaries of the Mayland School District and by permitting a maximum of 75% of total revenue to be applied to school bonds instead of 25%. This Act was repealed by Private Acts of 1931, Chapter 690.
10. Private Acts of 1951, Chapter 53, states that Mrs. Cora J. Baldwin taught in the Woody School for the 1948-49 school year but was not paid because the Superintendent did not procure a permit for her. Her work was accepted, her pupils were counted and promoted, and all her records and paper work received and approved. They have recommended payment of \$1,165.60 which would have been her salary, if paid, for the nine month school year. This is to be considered enabling legislation permitting the Quarterly County Court to pay and the County Judge to issue a warrant to pay the above amount to Mrs. Baldwin.
11. Private Acts of 1957, Chapter 342, created three Educational Districts in Cumberland County by aligning them with the Road Districts. Each District, so constituted, would elect two members to the Board of Education for two year terms, and one member would be elected from the county at large, all of which elections would be conducted under the regular election laws of the state. The members of the Board would be paid \$6 per day. This Act was not approved locally and never became effective.

## Chapter VII - Elections

### Districts - Reapportionment

### Acts of 1903 Chapter 599

**SECTION 1.** That there are hereby created and established for the county of Cumberland four civil districts in lieu of the thirteen civil districts now existing therein.

**SECTION 2.** That the boundaries of said new civil districts shall be as follows:

First--The territory now embraced within the boundaries of the second and fifth civil districts shall be consolidated and shall hereafter be known as the first civil district.

Second--That the territory now embraced within the boundaries of the first, sixth, and thirteenth civil districts shall be consolidated and shall hereafter be known as the second civil district.

Third--That the territory now embraced within the boundaries of the third, fourth, eighth, and eleventh civil districts shall be consolidated and shall hereafter be known as the third civil district.

Fourth--That the territory now embraced in the seventh, ninth, tenth, and twelfth civil districts shall be combined and shall hereafter be known as the fourth civil district.

**SECTION 3.** That all the various district officers, to wit: Justices of the Peace, Constables, and Tax Assessors now holding offices in said county are hereby abolished, and the County Board of Election Commissioners shall call an election to be held according to law for the election of two Justices of the Peace, one Constable, and one Tax Assessor in all the new districts created, except in the first, wherein shall be elected three Justices of the Peace. Said election shall be opened and held at the various voting precincts in said county on the 7th day of May 1903, and the present district officers in said county shall hold their offices until the officers herein provided for have been elected and qualified.

**SECTION 4.** That the voting precincts in the various civil districts in said county shall remain as they now stand.

**SECTION 5.** That this Act take effect from and after the 7th day of May, 1903, the public welfare requiring it.

Passed: April 1, 1903.

**COMPILER'S NOTE:** See State v. Hamby, 114 Tenn. 361, 84 S.W. 622 (1904), in which this Act was challenged.

## Private Acts of 1913 Chapter 40

**SECTION 1.** That the farm of J. T. Brown be detached from the Third Civil District of Cumberland County, Tenn, and be attached to the Fourth Civil District of said county.

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

Passed: February 18, 1913.

## Private Acts of 1917 Chapter 663

**SECTION 1.** That there is hereby created and established in Cumberland County a Fifth Civil District, the boundaries to be as follows:

Beginning on the Stephens Gap Road at the top of the mountain at the Bledsoe County line; thence in a northerly direction with the Stephens Gap Road to the old Ross Road; thence in a westerly direction with the Ross Road to the White County line; thence in a southerly direction to the Bledsoe County line; thence with the Bledsoe County line to the place of beginning.

**SECTION 2.** That the Election Commissioners of Cumberland County shall call a special election, under the general election laws of this State, to be held on the first Thursday in June after the passage of this Act for the purpose of electing two Justices of the Peace and one constable to represent said district, who shall hold their office until the next regular election held for the election of county and district offices and until their successors are elected and qualified.

**SECTION 3.** That all subsequent elections shall be held under the general election laws of this State and said district shall be entitled to elect such officers to represent said district as are elected in the other districts of the county and for a like term and with like powers and duties.

**SECTION 4.** That all laws and parts of laws in conflict with this Act, be, and the same are, hereby repealed.

**SECTION 5.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 3, 1917.

## Private Acts of 1923 Chapter 512

**SECTION 1.** That there is hereby created and established in Cumberland County, a Sixth Civil District, the boundaries to be as follows:

Beginning in the Morgan and Cumberland County line on the crest of Crab Orchard Mountain within the boundaries of Joe Smith's farm; thence southwestwardly with the top of said mountain passing by Jack Smith's farm and to the south thereof to the Frank Derrick place and including same; thence southwardly passing burnt bridge on Spencer's Hill to Burke's Creek; thence down Burke's Creek with its meanders to Fall Creek; thence down Fall Creek with its meanders to its intersection with the Roane and Cumberland



County line; thence with the line between road and Cumberland County and Morgan and Cumberland County to the place of beginning.

**SECTION 2.** That within 60 days from the approval of this Act the County Board of Election Commissioners for said county shall call and advertise an election for the purpose of electing two Justices of the Peace and one Constable by the legally qualified voters of said district, who shall hold their respective offices until the next regular election held for the election of county and district officers, and until their successors are elected and qualified.

**SECTION 3.** That all subsequent elections shall be held under the general election laws of this State and said district shall be entitled to elect such officers to represent said district as are elected in other districts of the county and for a like term with like powers and duties.

**SECTION 4.** That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

**SECTION 5.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 28, 1923.

## Private Acts of 1925 Chapter 578

**SECTION 1.** That there be, and is hereby created and established for and within the County of Cumberland, in this State a civil district.

**SECTION 2.** That the boundaries of said civil district shall be as follows: Beginning at Joe Smiths; thence south to the Frank Derrick place; thence west by the Cline Mill set crossing Dady's Creek to the Second District line; thence with said district line to the Morgan County line; thence with Morgan line to the place of beginning.

**SECTION 3.** That all persons, being and living in said boundary, shall be and constitute the Seventh Civil District of Cumberland County.

**SECTION 4.** That the election commissioners for Cumberland County shall order an election, opened and held on the first Saturday in June, 1925, for the purpose of electing Two Justices of the Peace and one Constable, for the Seventh Civil District of Cumberland County, who shall hold their office until the regular August election next preceding, this election, or until their successors are elected and qualified.

**SECTION 5.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 4, 1925.

## Private Acts of 1925 Chapter 638

**SECTION 1.** That there is hereby created and established in Cumberland County an Eighth Civil District, the boundaries to be as follows:

Beginning where the First and Fifth District line crosses Meadow Creek, thence down Meadow Creek to Meadow Creek Falls. Thence northly leaving Joe Baker's farm in the First District and the Matthew Mitchell farm in the New District, Mitchell's northeast line being the dividing line between the First and Eighth Districts to the old graded road. Thence with said graded road to where said road reaches the Bell farm. Thence with Bell's south line west to Little Field Creek. Thence down said creek to the old Frost road; thence with Frost road to the old Sequatchie road, then with same road to Pomona Roads. Thence with Second District line to Putnam County. Thence with Putnam County line to White County line. Thence with White County line to the line between the First and Fifth Districts. Thence with said line to the beginning.

**SECTION 2.** That within sixty days from the approval of this Act the County Board of Election Commissioners for said county shall call and advertise an election for the purpose of electing two Justices of the Peace and one Constable by the legally qualified voters of said district, who shall hold their respective offices until the next regular election held for the election of the county are elected and qualified.

**SECTION 3.** That all subsequent elections shall be held under the general election laws of this State and said district shall be entitled to elect such officers to represent said district as are elected in other districts of the county and for a like term with like powers and duties.

**SECTION 4.** That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.



**SECTION 5.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 9, 1925.

## Elections - Historical Notes

### **Districts - Reapportionment**

The acts listed below have affected the civil districts in Cumberland County, but are no longer operative regarding elections. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1913, Chapter 50, created a Fifth Civil District in Cumberland County, giving the boundaries thereof, and providing for the election of two Justices of the Peace and one Constable therein within sixty days from the passage of this act. This Act was repealed by Private Acts of 1915, Chapter 453.
2. Private Acts of 1915, Chapter 453, repealed expressly Private Acts of 1913, Chapter 50, thereby abolishing the Fifth Civil District of Cumberland County which area was added to the First Civil District and the act also abolished the offices of the two Justices of the Peace and the Constable of the Fifth District who were directed to surrender all their credentials.
3. Private Acts of 1959, Chapter 276, would have reduced the number of Civil Districts in the county from eight to four by grouping whole former districts into the bigger latter ones. The Act also would have repealed all former private acts which created civil districts. The act depended upon the favorable outcome of a referendum vote but the act itself was not approved and did not become a law under the Home Rule Amendment to the State Constitution.

### **Elections**

The following is a listing of acts for Cumberland 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 1843-44, Chapter 59, Section 18, in attempting to establish the new county of Cumberland in the area now occupied by Cheatham County, authorized an election to be held to approve the establishment of the new county. Acts of 1843-44, Resolution 60, authorized the Judges who had held the election in that part of Davidson County taken into Cumberland County to hear proof of illegal votes being cast and received in that election. They were directed to strike from the poll all votes which they found to be cast illegally.
2. Acts of 1865, Chapter 34, divided the State into 8 U. S. Congressional Districts immediately after the end of the Civil War. Cumberland was in the Third District with Meigs, Rhea, Hamilton, Marion, Grundy, Bledsoe, Van Buren, Sequatchie, Warren, White, Smith, Putnam, Jackson, Macon, Overton, Dekalb, and Fentress Counties.
3. Acts of 1871, Chapter 146, apportioned Tennessee for representation in the State General Assembly. James, Meigs, Rhea, and Cumberland County would elect one Representative to the General Assembly between them and Cumberland would be in the 5th State Senatorial District with Campbell, Morgan, Scott, Roane, Fentress, Overton, Putnam and White Counties.
4. Acts of 1872 (Ex. Sess.), Chapter 7, divided the State into 9 U.S. Congressional Districts. Cumberland County was in the Second District with Sevier, Knox, Jefferson, Anderson, Campbell, Scott, Morgan, Fentress, White, Putnam, Overton, Jackson, Smith, Macon, and Clay Counties.
5. Acts of 1873, Chapter 27, reapportioned Tennessee into ten U.S. Congressional Districts. Cumberland County went to the Third District with Polk, McMinn, Meigs, Rhea, Bradley, James, Hamilton, Marion, Grundy, Sequatchie, Bledsoe, Van Buren, White, Warren, DeKalb, and Cannon Counties.
6. Acts of 1881 (Ex. Sess.), Chapter 6, apportioned the State for the General Assembly. Cumberland, Bledsoe, Sequatchie, and Van Buren Counties would elect jointly one Representative and of the 33 Senatorial Districts, Cumberland County was in the 9th with Grundy, Sequatchie, Bledsoe, Van Buren, Rhea, Morgan, and White Counties.
7. Acts of 1882 (Ex. Sess.), Chapter 27, apportioned Tennessee into ten U.S. Congressional Districts according to the census of 1880. Cumberland was not mentioned in any of the lists of counties comprising the Districts.
8. Acts of 1889, Chapter 196, amended Acts of 1882 (Ex. Sess.), Chapter 27, by detaching Cumberland County and Rhea County from the third U.S. Congressional District and attaching them to the Fourth U.S. Congressional District.

9. Acts of 1891 (Ex. Sess.), Chapter 10, apportioned Tennessee for the General Assembly according to the 1890 Census. Grundy, Sequatchie, Bledsoe, Van Buren, and Cumberland Counties would elect one Representative jointly as part of the Seventh Representative District and Cumberland was in the 9th State Senatorial District with Rhea, Bledsoe, White, Sequatchie, Van Buren, and Morgan Counties.
10. Acts of 1901, Chapter 109, separated the State into ten U.S. Congressional Districts. Cumberland was in the Fourth District with Sumner, Trousdale, Wilson, Putnam, Jackson, Clay, Overton, Smith, Macon, Pickett, Fentress, Morgan, and Rhea Counties.
11. Acts of 1901, Chapter 122, apportioned for the State General Assembly according to the 1900 Census. The 9th State Senatorial District was made up of Rhea, Meigs, Bledsoe, Sequatchie, Van Buren, White, and Cumberland Counties. Bledsoe, Sequatchie, Van Buren, Grundy, and Cumberland would elect one Representative jointly for the Eleventh House District.

## Chapter VIII - Health

No current private acts in force.

## Chapter IX - Highways and Roads

### Road Law

### Private Acts of 1986 Chapter 108

**SECTION 1.** Chapter 145 of the Private Acts of 1955, and all acts amendatory thereto, are expressly repealed in their entirety.

**SECTION 2.** The provisions of this Act shall not be construed or have the effect of removing or abolishing the powers and duties (sic) the incumbent highway commissioners prior to August 31, 1986.

**SECTION 3.** The office of highway superintendent for Cumberland County is hereby created, who shall be elected by popular vote. The highway superintendent shall be considered the chief administrative officer for purposes of the Tennessee County Uniform Road Law, Tennessee Code Annotated, Title 54, Chapter 7. The election of such highway superintendent shall occur in the general election held in August, 1986, and in the general election every four (4) years thereafter. The term of office for the highway superintendent shall be for four (4) years beginning on September 1 of the year of election.

**SECTION 4.** The salary of such highway superintendent shall be set by the County Legislative Body in conformity with T.C.A. Section 54-7-106.

**SECTION 5.** Upon the abolishment of the highway commission of Cumberland County the highway superintendent shall assume the duties and authority vested in the highway commission, so long as such is not vested in the County Legislative Body by general law.

**SECTION 6.** Vacancies in the office of highway superintendent shall be filled in accordance with general law.

**SECTION 7.** If any provision of this Act or application thereof to any person or circumstances shall be 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 8.** This Act shall have no effect unless it is approved by a majority of the number of qualified voters of Cumberland County voting in an election on the question of whether or not the Act should be approved held in May, 1986. The ballots used in the election shall have printed on them the substance of this Act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commission and certified by it to the Secretary of State as provided by law in the case of elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this Act.

**SECTION 9.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 8, it shall be effective upon becoming a law, the public welfare requiring it, but for all other purposes, the provisions of the Act shall be effective only upon being approved as provided in Section 8.

Passed: January 29, 1986.

## Highways and Roads - Historical Notes

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

1. Acts of 1839-40, Chapter 150, authorized Moses Thompson to cut and open a turnpike road, commencing at a point in Gordon's turnpike road, in the Grassy Cove in Bledsoe County, thence across Walden's Ridge to descend the mountain between Piney and the head of Van's Spring Creek.
2. Acts of 1859-60, Chapter 89, repealed Acts of 1839-40, Chapter 150, granting to Moses Thompson a charter for a turnpike road. This act grants a 25 year right to the road to William R. S. Thompson who was authorized to begin the road at a point on Worthinton S. Graves Turnpike Road in the Grassy Cove Community in Cumberland County and proceed across Walden's Ridge on the most direct and practical route to Rhea County.
3. Acts of 1901, Chapter 136, was perhaps the first statewide road law which established a pattern for most of those which followed even though some form of general road legislation had been on the books since the 1820's. The County Courts of the state's counties would select a road commissioner from each road district coextensive with the civil districts who would take an oath, make bond, serve for two years, and would have general supervision over all public roads and overseers in his district. The duties of the Courts, the Commission, the Chairman of the Commission, the Secretary of the Commissioners, and others connected to road departments were specified in the Act. All males, age 21 to 45, were required to work on the roads the number of days set by the County Court, under the immediate supervision of overseers who were appointed by the district commissioners. Prisoners were also made available to work the highways. Some specifications for roads and the mechanics of opening, closing, and changing roads were included. The county court could designate the roads to be worked under contract, and could levy a tax for road purposes. This act was the subject of a court suit in the case of Carroll v. Griffith, 117 Tenn. 500, 97 SW 66 (1906).
4. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several minor areas, but primarily in the procedures to open, change, or close a road by broadening the notices required, and by giving the landowner subject to eminent domain procedures an easier road to travel.
5. Private Acts of 1911, Chapter 352, made it possible for any five or more people in the county to obtain a Charter from the State under the mode now pointed out by law to build roads to be called traction engine roads over which to run traction engines for the purpose of hauling freight, lumber, logs, cross-ties, and all other sorts of general freight for profit. The power or eminent domain was conferred upon these companies, and it was a misdemeanor for anyone to use these roads, after they were built, without the consent of the owner.
6. Private Acts of 1915, Chapter 362, created a three member Board of Highway Commissioners to carry out the provisions of this Act authorizing a bond issue to construct certain roads.
7. Private Acts of 1917, Chapter 537, was a road law for Cumberland County. The County and Circuit Judges, and the Chancellor of the District would appoint 3 Road Commissioners who would initially serve two, four, and six year terms. Their successors would serve six year terms. Commissioner qualifications were set up and their duties specified which included the general oversight, management, and control of all public roads and bridges in the county. They would organize, select a Chairman, promulgate rules and regulations, and employ a Road Supervisor who also required to meet certain standards, to make oath and bond, who would devote full time to his duties and be responsible for the execution of all the road programs. He would act as Secretary to the Commissioners, keep records, be responsible for tools and equipment, work the jail prisoners as the law permitted, and perform such other duties as directed. The procedures to open, change, or close a road were stated and males, 21 to 45, must work five days a year or commute at the rate of seventy five cents for each day.
8. Private Acts of 1919, Chapter 748, set up a County Supervisor of Roads at a maximum salary of \$5 daily. His term was for two years, or until his successor was elected by the County Court; he must be at least 25 years of age, have a fair common school education and be experienced in road work. His bond was set at \$5,000. The District Supervisors for each District, elected by the County Court, would appoint overseers whose pay the County Court would set, who would be under \$2,000 bond and keep records of all money received and spent which would be open to inspection at all times. County prisoners could be worked on the roads as well as all males outside cities, age 21 to 50, would work five days, or commute at \$1.50 a day. The County Court

could levy a tax of not less than ten nor more than twenty-five cents per \$100 property valuation. Procedures were established for opening, closing, and changing roads, and to condemn property for road purposes. Carriers were also subject to road duty but could commute at a higher rate. All road funds would be apportioned to the districts. This Act was repealed specifically by Private Acts of 1939, Chapter 411.

9. Private Acts of 1921, Chapter 849, authorized the appointment by the County Judge, the Circuit Judge and the County Court Clerk of three commissioners to serve as the Road Commission. They would serve three year terms and would be paid \$4 per day plus expenses, be between 25 and 65 years of age, of good moral character and who would take and sign a written oath. Their powers and duties were specified. They could employ the Road Supervisor at \$4 daily and the District Supervisors at \$3 a day. Males outside cities were subject to work 10 hour days for five days. The tax rate for road purposes was from fifteen cents to twenty-five cents per \$100 property valuation. The act required one to purchase a license for the privilege of using the roads for commercial purposes according to a rate schedule in the law. The Trustee would keep the money and the records. This Act was repealed by Private Acts of 1935, Chapter 382.
10. Private Acts of 1923, Chapter 482 amended Private Acts of 1921, Chapter 849, to authorize the Board of Road Commissioners to expend funds to maintain roads radiating from the county site to the county lines and to promulgate rules for preserving the roads from damage due to heavy vehicles.
11. Private Acts of 1927, Chapter 157, repealed Section 7, Private Acts of 1921, Chapter 849, the Road Law for Cumberland County which was the Section requiring the privilege license for using the roads.
12. Private Acts of 1929, Chapter 209, amended Private Acts of 1921, Chapter 849, in Section 2 by removing the upper age limit for the Road Commissioners which was specified as 65 years of age in the law.
13. Private Acts of 1931, Chapter 92, amended Private Acts of 1921, Chapter 849, Cumberland's Road Law, by changing "County Court Clerk" in Section 1 to "Clerk and Master" and by requiring the County Judge to keep a record of the appointments to the Board of Road Commissioners all of which shall be open to inspection and all vacancies on the Commission shall be filled in thirty days. In Section 2, the Chairman of the Board shall be under \$10,000 performance bond. The Road Commission shall make a monthly report to the County Judge on the warrants drawn on each road fund and the purpose for which it was spent.
14. Private Acts of 1935, Chapter 382, expressly repeals Private Acts of 1921, Chapter 859. (The caption stated Chapter 849 which is the correct Act). This Act provided for the election by popular vote of one Road Commissioner. The Commissioner would appoint a secretary at no more than \$60.00 per month and his monthly salary could not exceed \$125. The Commissioner's bond was set at \$10,000 and the secretary's at \$2,500, Financial reports would be submitted to the County Court every quarter by the Commissioner who would have general oversight, management and control of the roads and bridges. He could make contracts for the roads and make purchases up to \$500. He would also dispense all road funds after receiving them from the Trustee. The Road Commissioner appoints the road overseers who will be paid no more than \$1.50 per day and exercise only such authority as the Commissioner delegates. Males between 21 and 45 were required to work as the County Court decided or commute under such terms as the court established. Some penalties for violations or failures to comply were fixed. This Act was repealed by Private Acts of 1937, Chapter 155.
15. Private Acts of 1937, Chapter 810, stated that the city of Crossville proposed to construct a lake for their water supply and for those adjacent parts of the county and for such a project to be carried out it was necessary to construct a road to make the lake accessible to the citizens by connecting it with the Lantana Road, the act authorized the Road Officials of the county to exceed their anticipated revenues in order to build the road and to borrow money up to \$5,000 a year and at interest rates of 6% or less. The County Judge was directed to honor the road officials requests for funds when they were within these limitations.
16. Private Acts of 1939, Chapter 412, created a County Road Commission of three members, one from each of the three Road Districts which were composed of whole civil districts enumerated in the Act. Floyd Wilson, Buck West, and T. R. Tollett were named as the first Commissioners to hold office until September 1, 1940 when their elected successors would take office for two year terms. The Commission would meet once a month in a room at the Courthouse, receive \$4 per day for their services, and they could not be a member of the County Court or interested in any of the road department's business affairs. The Commission had general jurisdiction over the roads

and bridges, and supervision of the funds coming to the road department. They could appoint foremen at \$3 a day for which they were declared eligible, could purchase on bid and award contracts, could employ an engineer and skilled workmen, work prisoners, and contract with the State or Federal governments. The Commissioners must reside in the zone they represent and be between 25 and 65 years of age. They may have the use of a pick-up truck and be furnished oil and gas while in the discharge of their duty.

17. Private Acts of 1951, Chapter 37, amended Private Acts of 1939, Chapter 412, in Section 5 by setting the pay of the Road Commissioner at \$200 per month but they would be paid only for actual days worked; by providing in Section 11 that the Road Commission could appoint as many Road Foreman as necessary. The Commission was allowed to employ a full-time secretary-bookkeeper who would keep financial records.
18. Private Acts of 1955, Chapter 145, established a County Road Commission composed of five members to manage the public road system of the county not part of the state highway system. County Road Commission was given the power to employ a County Road Superintendent under contract for up to two years. The act was approved by referendum. With its amendments, it was the basic road law for Cumberland County until it was repealed by Private Acts of 1986, Chapter 108.
19. Private Acts of 1955, Chapter 146, repeals Private Acts of 1939, Chapter 412, provided this Act was approved by a majority of voters in a referendum held for that purpose. The act makes it incumbent upon the election officials of the county to call for the election within 15 days after the Governor signed this Bill, and to hold the same between 20 and 40 days of the call. This Act was properly approved.
20. Private Acts of 1961, Chapter 150, amended Private Acts of 1955, Chapter 145, by raising the limit on the maximum compensation of the clerk from \$3,000 to \$3,600 per annum. This Act was not approved by the local authorities and never became operative law.
21. Private Acts of 1965, Chapter 72, amended Chapter 145 of the Private Acts of 1955 by increasing the compensation of the Clerk for the County Road Commission from \$3,000 to \$4,000 annually and similarly to increase the annual salary of the Road Superintendent from \$6,000 to \$8,000. The act received local approval.
22. Private Acts of 1970, Chapter 196, purported to amend Private Acts of 1955, Chapter 145, by increasing the compensation of Commissioners from \$10 to \$50 per meeting and raising the yearly limit from \$150 to \$750 per commissioner. The compensation of the Clerk was increased from \$3,000 to \$4,600 per annum. This Act was not approved at the local level and therefore did not become effective.
23. Private Acts of 1971, Chapter 121, amended Chapter 145 of the Private Acts of 1955, by increasing the annual compensation of the Clerk of the County Road Commission from \$4,000 to \$6,000. The act also increased the compensation of members of the Road Commission for each meeting from \$10 to \$15; increased the cap on the annual meeting compensation from \$150 to \$225. Also, the act redistricted the road districts from which Road Commissioners were elected for 1972 and subsequent elections. The act received local approval.
24. Private Acts of 1976, Chapter 229, amended Chapter 145 of the Private Acts of 1955, as amended by Chapter 121 of the Private Acts of 1971, increased the compensation of Road Commissioners for attending meetings to \$25 per meeting with a cap on annual compensation of \$450. The act received local approval.
25. Private Acts of 1977, Chapter 131, amended Private Acts of 1955, Chapter 145, so as to increase the annual salary of the Clerk for the County Road Commission from \$6,000 to \$9,000. This Act did not receive local approval and never became effective.

## Chapter X - Law Enforcement

### Law Enforcement - Historical Notes

#### **Sheriff**

The following acts have no current effect but are included here for reference purposes since they once applied to the Cumberland County Sheriff's Office.

1. Acts of 1857-58, Chapter 153, Section 1, permitted the Sheriff of Cumberland County to appoint one additional Deputy Sheriff to assist him.
2. Private Acts of 1945, Chapter 577, sets the ex-officio fees to be paid to the Sheriff of Cumberland

County at \$1,800 per year payable monthly out of the general funds of the count, and these ex-officio fees would be all the Sheriff would receive.

## Chapter XI - Taxation

### Assessor of Property

### Private Acts of 1951 Chapter 131

**COMPILER'S NOTE:** Cumberland County did not fall within the population bracket stated in the Act, nor did any other Tennessee county; however, this Act was attributed to Cumberland County in the Index to Private Acts of 1951.

**SECTION 1.** That in all counties of this State having a population of not less than 18,830, nor more than 18,850, by the Federal Census of 1950, or any subsequent Federal Census, the salary of the County Tax Assessor shall be Three Thousand (\$3,000.00) Dollars per annum, payable in equal monthly installments on the first day of each month out of the County Treasury upon the warrant of the County Trustee.

**SECTION 2.** That it shall be the duty of the Tax Assessors in counties to which this Act applies to assess all taxable property, both realty and personalty, belonging to every tax payer in the county, and to make out and turn over to the County Court Clerk the tax books and tax aggregates, and no additional compensation shall be paid such Tax Assessor for making out such tax books and tax aggregates. It shall be further the duty of the Tax Assessor to stamp each and every deed conveying the title to land with a rubber stamp, to be furnished by the county, showing the date same was presented to the Tax Assessor for stamping, and bearing the name of the Tax Assessor, and it shall be the duty of the Tax Assessor to immediately note on the tax books in the Civil District wherein the property sold is located showing the transfer of such title, and any deed not thus stamped will not be received for record by the Register of deeds until it bears the stamp as above described. It shall be the duty of all counties to which this Act is applicable to furnish to the Tax Assessor an office in its Court House and every Tax Assessor falling under the provisions hereof shall be in such office every day of the week, except Sunday, between the hours of 9:00 o'clock A.M. and 3:00 o'clock P.M., sickness and unavoidable casualty excepted, and shall have all records in such office available for public inspection by the general public during the hours such office remains open.

**SECTION 3.** That the General Assembly of the State of Tennessee hereby declares the provisions of this Act to be severable and expressly states that if any Section hereof be invalid, such shall not affect the validity of the remainder thereof as the same would have been enacted with such invalid Sections omitted therefrom.

**SECTION 4.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 7, 1951.

### Hotel/Motel Tax

### Private Acts of 1979 Chapter 145

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

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

As amended by: Private Acts of 1995, Chapter 112

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

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

(d) "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 ninety (90) continuous days.

(e) "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 it complimentary from the operator and no consideration is charged to or received from any person.

(f) "Operator" means the person operating the hotel whether as owner, lessee, state or local governmental entity, or otherwise.

As amended by: Private Acts of 1995, Chapter 112

**SECTION 2.** The legislative body of Cumberland County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount not to exceed seven and one half percent (7 ½%) 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 by this act.

As amended by: Private Acts of 2011, Chapter 30

**SECTION 3.** Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the county.

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

**SECTION 4.** The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms within the county to the county trustee or such other officer as may by resolution of the county legislative body be charged with the duty of collection thereof, such tax to be remitted to such officer not later than the 20th day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient; then the obligations to the county entitled to such tax shall be that of the operator.

**SECTION 5.** The trustee or other authorized collector of the tax authorized by this act shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the trustee by the operator with such number of copies thereof as the trustee 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 trustee and approved by the county legislative body prior to use. The trustee shall audit each operator in the county at least once per 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.

**SECTION 6.** 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 7.** Taxes collected by an operator which are not remitted to the county trustee 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 in addition for penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit that tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall be punishable upon conviction by a fine not in excess of \$50.00.

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

**SECTION 9.** The county trustee 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.

For his services in administering and enforcing the provisions of this act, the county trustee shall be entitled to retain as a commission one percent (1%) of the taxes collected.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Title 67, Chapter 23, 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 county trustee shall also possess those powers and duties as provided in Tennessee Code Annotated, Section 67-2301, for the county clerks with respect to the adjustment and settlement with taxpayers all errors of county taxes collected by him under authority of this act and to direct the refunding of same. Notice of any tax paid under protest shall be given to the county trustee and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

**SECTION 10.** The county trustee is hereby charged with the duty of collection of the tax herein authorized and shall place the proceeds of such tax in the county debt service fund or such other fund as the county legislative body may specify by resolution.

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

**SECTION 12.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Cumberland County, not more than ninety (90) days subsequent to its approval by the governor. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and shall be certified by him to the Secretary of State.

**SECTION 13.** 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 upon being approved as provided in Section 12.

Passed: May 15, 1979.

## Litigation Tax

### Private Acts of 1967-68 Chapter 111

**SECTION 1.** That there is hereby imposed a special privilege tax in the amount of \$1.50 in each case, upon all civil and criminal cases heard and determined in the Circuit, Criminal, Chancery and General Sessions Courts in Cumberland County, said tax to be collected by the clerks of the respective courts and taxed as part of the costs in each case.

**SECTION 2.** That when any part of the costs in any case has been collected, after payment of any State litigation tax accrued thereon, the amount necessary for the payment of the tax hereby imposed shall be next applied thereto, before applying any of the amount collected as costs to any other funds or items of costs.

**SECTION 3.** That on or before the last day of each month the clerks of the respective courts shall pay to the County Trustee all amounts collected hereunder in the preceding calendar month. The sum paid the said Trustee shall be earmarked for the office of Sheriff, and paid over to the office of Sheriff upon the fifteenth (15th) day of the month, or as soon thereafter as is practicable. The proceeds of said payments shall be utilized by the Sheriff for the operation of his department, including compensation for deputies.

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

**SECTION 4.** That this Act shall have no force or effect unless it shall be approved by a two-thirds (2/3) majority of the Quarterly County Court of Cumberland County at its next regular meeting following the passage of this Act. Its approval or non-approval by that body shall be certified by the presiding officer of said Quarterly County Court to the Secretary of State.

**SECTION 5.** That in the event of approval of this Act by the Quarterly County Court it shall be effective from and after July 1, 1967, the public welfare requiring it.

Passed: April 24, 1967.

## Taxation - Historical Notes

### **Assessor of Property**

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Cumberland County Assessor.



1. Private Acts of 1925, Chapter 427, fixed the salary of the Tax Assessor of Cumberland County at \$1,000 per year, payable out of the regular county funds at the rate of \$400 on the first Monday in April and \$600 when the assessments have been completed, both to be upon the warrant of the County Judge.
2. Private Acts of 1939, Chapter 113, stated in its preamble that the assessed value of property, as set by the County Tax Assessor, was set at such a low value in the Town of Crossville that the town was forced to levy an artificially high tax rate in order to generate sufficient revenue. This Act established the position of Tax Assessor for the Town who would assess property at its "actual cash value". The County Tax Assessor was barred access to the books and records of the City Tax Assessor.
3. Private Acts of 1945, Chapter 362, provided that beginning in 1945 and annually thereafter, the sum of \$600 shall be paid to the Tax Assessor of Cumberland County to compensate him for clerical expenses, or unusual expenses, incurred during the year, \$300 of which would be paid on the Saturday before March 15, and \$300 on the Saturday before August 15.
4. Private Acts of 1955, Chapter 215, amends Private Acts of 1951, Chapter 131, by changing the quoted population figures to make the act apply to Cumberland County and further amends Section One by increasing the salary of the Tax Assessor from \$3,000 to \$5,000 annually. This Act did not receive local approval and therefore never became operative.

### **Taxation**

The following is a listing of acts pertaining to taxation in Cumberland County which are no longer effective. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1870-71, Chapter 50, provided that counties and cities may impose taxes for county and corporate purposes if (1) all taxable property is taxed according to its value and (2) neither the credit of the county nor the city be loaned to any person, firm, or private corporation except upon a vote by a majority of the county court and after submitting the question to a referendum vote in which three quarters of the voters must affirm the same. Twenty-seven counties, including Cumberland, exempted themselves from the three-quarter requirement and provided that in those counties only a majority of the voters voting in the referendum must approve. See State v. Mayor of Bristol, 109 Tenn. 315, 70 S.W. 1031 (1902).
2. Acts of 1905, Chapter 398,, authorized and empowered the county court to supply the Tax Books belonging to the office of the County Trustee when the same have been permanently lost or destroyed, and established the mode of procedure in such cases. The Trustee would file a petition with the County Judge, or Chairman, averring the fact that the books are destroyed and the manner in which the loss occurred. The petition would also state whether the same books can be supplied from the assessment rolls or other public records on file. If all information to establish proper assessments is gone, the County Court would appoint three Commissioners with the same qualifications as members of the Board of Equalization who would hear proof as to the assessed value of all the property in the county and thus complete the Tax Books. Exceptions to the rulings of the Commission could be filed within five days after completion and return of the books. No penalties would be levied on people who were not delinquent on their own doing.
3. Acts of 1905, Chapter 424, was also enacted by the General Assembly and is identical to Acts of 1905, Chapter 398.
4. Private Acts of 1931 (2nd Extra Session), Chapter 71, provided for a more efficient method of collecting delinquent taxes in Cumberland County by permitting the County to become the purchaser of such real estate as may be sold for taxes and to dispose of such land. All the details of the procedures, including the right to redeem the land by the owner, are included within the law. These would have to be followed strictly for a county to avail themselves of this manner of collecting taxes.
5. Private Acts of 1951, Chapter 78, authorized the Quarterly County Court of Cumberland County to levy an annual tax of 5 mills on all taxable property, which would be in addition to all other taxes, which would be used to contribute towards the expense of operating the "Cumberland Medical Center." The County Trustee was directed to pay the proceeds of this tax to the City of Crossville to be expended by them for the purpose mentioned. This Act was repealed by Private Acts of 1951, Chapter 256.
6. Private Acts of 1972, Chapter 280, imposed a privilege tax of \$2 on all cases filed in the Circuit Court, Chancery Court and General Sessions Court of Cumberland County. The taxes would be placed in a special fund designated "The Courthouse Remodeling and Maintenance Fund" and be

used solely for that purpose. This Act was repealed by Private Acts of 1981, Chapter 85.

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