POLICY NO. 8

SUCCESSION OF DISTRICT BOARD MEMBERS

WHEREAS, it has come to the attention of the Tennessee Emergency Communications Board (the "ECB") that certain Emergency Communications Districts ("Districts") and local governmental entities may be confused with regard to the status of 911 board members whose term has expired but who continue to serve as holdovers pending appointment and confirmation of their successors; and

WHEREAS, pursuant to Tennessee Code Annotated §7-86-106, a District shall be a "municipality" or public corporation and shall be "a body politic and corporate with power of perpetual succession…;" and

WHEREAS, if District board members did not holdover in office, a District could be rendered incapable of conducting business by the failure of local governmental officials and/or bodies to appoint and/or confirm board members. It is the interpretation of the ECB that the Legislature did not intend to grant to these entities the power to nullify a District's ability to function in this manner. Further, such a circumstance would not be in the best interests of the public; and

WHEREAS, pursuant to Tennessee Code Annotated §7-86-306(13), the ECB is vested with the power and authority "to take all actions necessary, proper, or convenient for the accomplishment of the purposes enumerated herein; and

WHEREAS, the Tennessee Attorney General in Opinion No. 00-119 has opined that a regulatory board has the authority to interpret its own law, especially where such interpretation would further the intent of the legislature in enacting such law.

NOW THEREFORE, the Tennessee Emergency Communications Board hereby enacts the following policy:

It is in the best interests of the public to ensure that Districts are able to operate and provide 911 service to the citizens of Tennessee without interruption. Toward that end, it is the policy of the ECB that a District board member shall serve in office until his/her successor is duly appointed and confirmed.

Adopted 2-22-01