

**BYLAWS
OF THE TENNESSEE ADVISORY COMMISSION
ON INTERGOVERNMENTAL RELATIONS**

(Draft with Recommended Amendments, June 2022)

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PREAMBLE

The Tennessee Advisory Commission on Intergovernmental Relations was established by the General Assembly in 1978 as Public Chapter 939 and codified in Tennessee Code Annotated Section 4-10-101, et. seq. The General Assembly created the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) in recognition of the need for a permanent intergovernmental body to study and report on:

- (1) The current pattern of local governmental structure and its viability;
- (2) The powers and functions of local governments, including their fiscal powers;
- (3) The existing, necessary, and desirable relationships between and among local governments and the state;
- (4) The existing, necessary, and desirable allocation of state and local fiscal resources;
- (5) The existing, necessary, and desirable roles of the state as the creator of the local governmental systems;
- (6) The special problems in interstate areas facing their general local governments, intrastate regional units, and areawide bodies, such studies where possible to be conducted in conjunction with those of a pertinent sister state commission; and
- (7) Any constitutional amendments and statutory enactments required to implement appropriate Commission recommendations.

Public Chapter 939 and subsequent amendments have specifically directed the TACIR to perform the following duties:

- (1) Serve as a forum for the discussion and resolution of intergovernmental problems;
- (2) Engage in such activities and make such studies and investigations as are necessary or desirable in the accomplishment of the purposes set forth in § 4-10-101;
- (3) Consider, on its own initiative, ways and means of fostering better relations among local governments and the state government;
- (4) Draft and disseminate legislative bills, constitutional amendments, and model local ordinances necessary to implement recommendations of the Commission;
- (5) Encourage, and where appropriate, coordinate studies relating to intergovernmental relations conducted by universities, state, local, and federal agencies, and research and consulting organizations;
- (6) Review the recommendations of national commissions studying federal, state, and local government relationships and problems and assess their possible application to Tennessee;

- (7) Study issues relating to changing federalism, including federal devolution, block grants, preemptions, mandates, and the tenth amendment to the Constitution of the United States;
- (8) Study tax equivalent payments by municipally owned electric operations to the various taxing jurisdictions within the state;
- (9) Study the laws relating to the assessment and taxation of property;
- (10) Conduct an annual study of the fiscal capacity of local governments to fund education; and
- (11) Conduct an annual infrastructure study.

ARTICLE I

Members

- Section 1. The composition, method of appointment and terms for members of the TACIR are codified in Tennessee Code Annotated Section 4-10-103.
- Section 2. The TACIR is composed of 25 members, as follows:
- 4 Elected County Officials appointed by the appropriate appointing authority (which alternates among the governor and the speakers of the house and senate) from nominees submitted by the Tennessee County Services Association;
 - 4 Elected Municipal Officials appointed by the appropriate appointing authority (which alternates among the governor and the speakers of the house and senate) from nominees submitted by the Tennessee Municipal League;
 - 2 Private Citizens (appointed by the governor);
 - 1 Chairperson, Senate Finance, Ways and Means Committee;
 - 1 Chairperson, House Finance, Ways and Means Committee;
 - 4 State Senators (appointed by the Speaker of the Senate);
 - 4 State Representatives (appointed by the Speaker of the House of Representatives);
 - 2 State Executive Branch Officials (appointed by the governor);
 - 1 Comptroller of the Treasury;
 - 1 Representative of the Tennessee Development District Association appointed by the appropriate appointing authority (which alternates among the governor and the speakers of the house and senate) from nominees submitted by the Tennessee Development District Association; and
 - 1 Representative of the County Officials Association of Tennessee (appointed by the governor from a list of nominees submitted by the County Officials Association of Tennessee).
- Section 3. Should any member cease to be an officer, member, or employee of the organization, body, or agency he is appointed to represent, his/her

membership on the TACIR shall terminate immediately and a new member shall be appointed in the same manner as his or her predecessor.

- Section 4. Private Citizen members shall be appointed without regard to political affiliation.
- Section 5. Of those members appointed by the governor to represent municipal and county government, not more than one half shall be from any one (1) political party.
- Section 6. Members of the General Assembly, appointed by the Speaker of the Senate and Speaker of the House of Representatives, at least two (2) shall be from the majority party of their respective houses.
- Section 7. When unable to attend Commission meetings, a member may be represented by an alternate who may participate in the Commission's debates and contribute to a quorum but not vote on any matter.
- Section 8. Members and alternates will be reimbursed according to the applicable state travel rules and regulations.
- Section 9. All meetings of the Commission or any committee thereof at which public business is discussed or formal action is taken, shall be open in conformance with Chapter 44 of Title 8 of the Tennessee Code Annotated.
- Section 10. Once a member's four (4) year term has expired, the member shall continue to serve on the Commission until he/she has been reappointed or another individual has been appointed to serve in the position provided that the member has not ceased to be an officer, member or employee of the organization, body or agency he/she is appointed to represent.

ARTICLE II

Officers

- Section 1. The method of selection and terms of officers of the TACIR are codified in Tennessee Code Annotated Section 4-10-103 (c).
- Section 2. The chairperson and vice chairperson of the TACIR shall be elected by the members for two-year terms. Each may be re-elected to his/her position.
- Section 3. In the event of the absence or disability of both the chairperson and vice chairperson, members of the TACIR shall elect a temporary chairperson by a majority vote of those present and voting.

ARTICLE III

Meetings

- Section 1. Section 4-10-105 of Tennessee Code Annotated states the TACIR shall hold meetings quarterly and at such other times as it deems necessary.
- Section 2. Except as modified herein, the rules contained in the most recent edition of "Robert's Rules of Order," as published by the Scott-Foresman Company, shall prevail.
- Section 3. At each regularly scheduled quarterly meeting, the TACIR shall establish the date, time, and location of the next quarterly meeting, unless otherwise ordered by the TACIR.
- Section 4. A majority of those currently appointed to the TACIR shall constitute a quorum for all meetings.
- Section 5. It shall be assumed that a quorum exists at any meeting unless the question is raised at that time.
- Section 6. Should the question of a quorum be raised and it is determined not to exist, no further business may be conducted until a quorum is secured; however, all business previously conducted shall bind inasmuch as the issue of a quorum arose subsequent to action.
- Section 7. A number of members attending a meeting but not constituting a quorum may from time to time adjourn the meeting until a quorum is obtained.
- Section 8. Voting shall be by voice and shall not be recorded by yeas and nays unless requested by a member.
- Section 9. When a quorum is present, two-thirds of those present and voting will decide all issues presented except as described in Article VI, Section 1, and in Article VIII.
- Section 10. No votes may be cast by proxy without the approval of a simple majority of the Commission members currently appointed.
- Section 11. The chairperson, at his/her own motion, may poll the membership to determine the majority position on policy recommendations and other questions considered at a meeting for which a quorum was not present, or when he/she wishes to increase the number of members voting, or where he/she determines there is some other purpose to be served.
- Section 12. Such voting shall either be by mail, email, or telephone. If by telephone, shall be confirmed in writing.

- Section 13. The result of any poll shall be reported in the docket book for the following meeting of the Commission and shall be subject to a motion to reconsider at this following meeting but not at any other later time.
- Section 14. The TACIR may hold public hearings, at its discretion, on matters within its purview.
- Section 15. Special meetings may be called by the Chairperson and shall be called upon the written request of ten members of the TACIR. The purpose of the meeting shall be stated in the call. In the event of a call for a special meeting, at least seven (7) days notice shall be given. No business shall be transacted except that mentioned in the call/notice of the special meeting.
- Section 16. When, in the judgment of the Chairperson if any question shall arise that should be put to a vote of the membership and it is inexpedient to call a meeting for that purpose, the Chairperson may submit the matter to the membership in writing by certified mail or by email for vote and decision. The question must have been discussed at a prior general or special meeting. The question presented shall be determined according to the signed votes of two-thirds of the membership that are received by certified mail or the electronically signed votes received by email within thirty (30) days after the question is submitted to the members provided that the signed votes of at least a majority of the members are received. Any action taken by certified mail or email vote shall be binding upon the Commission in the same manner as action taken at a duly called meeting. The result of the vote shall be reported in the docket book at the following Commission meeting. Any certified mail or email votes received will also be made available for public inspection.
- Section 17. A TACIR member may participate by electronic means if a physical quorum is present at the meeting location. For purposes of this section, the term "electronic means" includes but is not limited to videoconferencing, teleconferencing, and web-based conferencing. All meeting notices will indicate the meeting will be conducted permitting participation by electronic means.
- Section 18. Meetings of the Commission may be held entirely by means of telephone, video conference, real time internet conference or other similar electronic equipment that permits all participants to communicate with each other during the meeting and that allows public viewing of the meeting. Participation in a meeting by that means constitutes presence in person at the meeting.

ARTICLE IV

Staff

- Section 1. The Commission shall employ a suitable person as Executive Director who shall, under the general direction of the Commission, and the chairperson, carry out the duties of the Commission.
- Section 2. The Executive Director shall also be responsible for the following general duties.
- a. Coordinating the meetings and other activities of the Commission.
 - b. Directing Commission staff in conducting studies, establishing and strengthening coordination among government bodies, and disseminating information; and
 - c. Maintaining liaison with government bodies at all levels.
- Section 3. The Executive Director shall name, select, control, direct and release such other staff members as may be necessary and authorized by the Commission.
- Section 4. Under the general direction of the Commission, the Executive Director shall prescribe the duties, authority and responsibilities of other staff, and set their compensation within Commission approved ranges.

ARTICLE V

Special Committees

- Section 1. The chairperson may, at his/her discretion, or at the direction of a majority of the membership, appoint special committees.
- Section 2. A special committee may include one or more persons who are not members. If the chairperson appoints the committee, the names of all such non members being appointed must be submitted to the assembly for approval.
- Section 3. The chairperson or designee shall be ex officio a member of all committees and has the right, but not the obligation, to participate in the proceedings of the special committees.

ARTICLE VI

Amendment of Bylaws

- Section 1. These bylaws may be amended by a majority vote of the Commission membership present at any regular or special meeting of the Commission, provided that such amendment be stated in writing in the call for the meeting at which time the amendment or amendments are to be considered.
- Section 2. Notice of such meeting shall be personally delivered, emailed, or mailed to all members at least seven (7) days prior to the meeting.

ARTICLE VII

Adoption

These bylaws shall take effect and be in full force immediately upon their adoption by two-thirds (2/3) of the appointed membership as present and voting.

Article VIII

Studies may be requested of the Commission by the legislative referral process developed in consultation with the leadership of the Tennessee General Assembly or at the request of a Commission member. Requests made through the legislative referral process require a majority vote of the Commission members present and voting, provided there is a quorum. Study requests by Commission members require an affirmative vote of seventeen (17) Commission members who are present and voting.