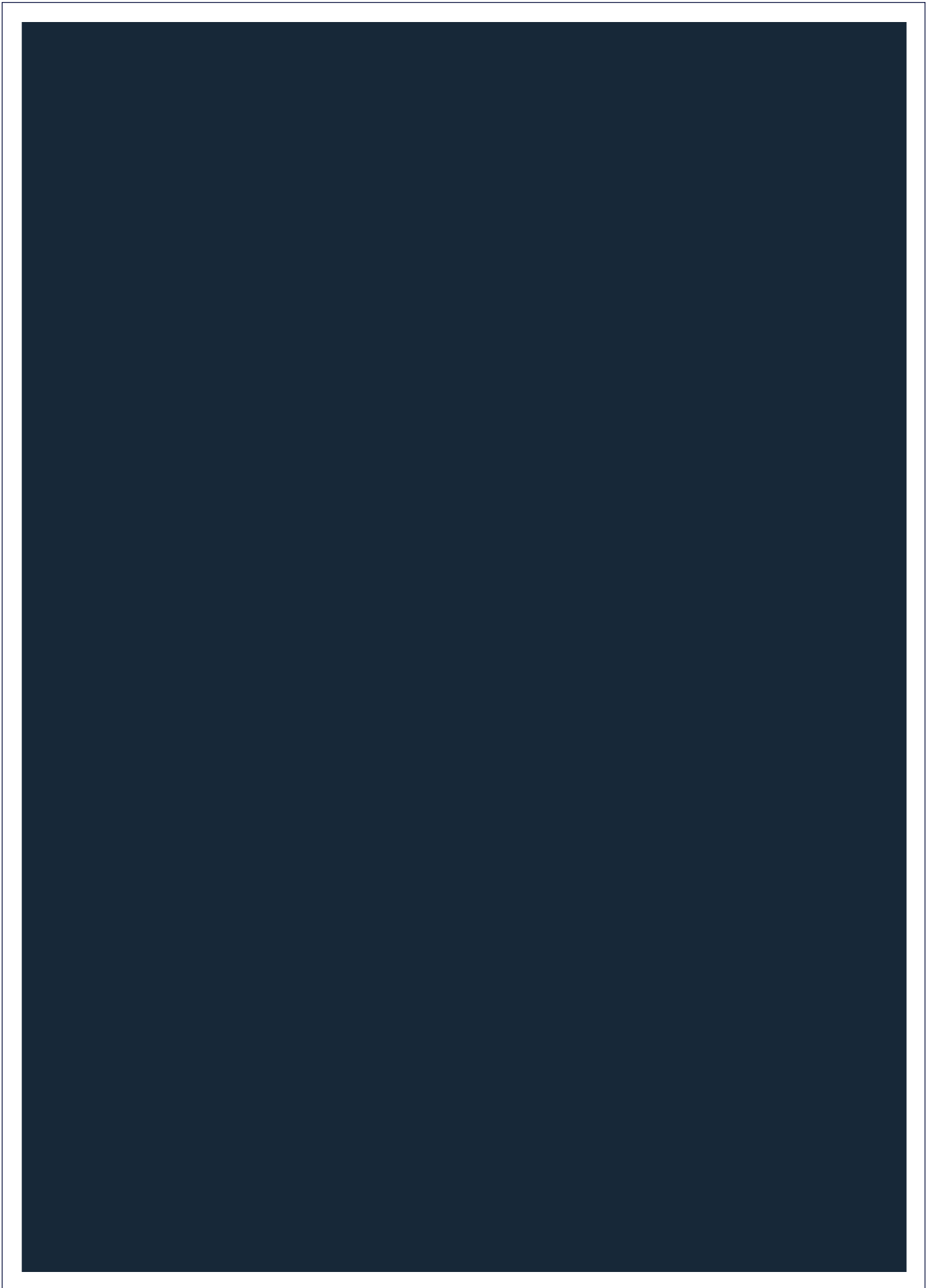


# Tips for Newly Elected Local Officials

*Don't get overwhelmed –  
get educated!*

**Tennessee Municipal League**





# You won the election – now what?

Congratulations on your recent election to public office. Serving as a city official is a rewarding and challenging job. Not only will you realize a sense of satisfaction for helping to improve the quality of life in your city, but you will also be involved with issues that affect the state of Tennessee and municipal governments from across the country.

For those who are holding office for the first time, local government can at times seem confusing and overwhelming.

Inside this booklet, you will find helpful information about Tennessee’s Sunshine Laws, parliamentary procedures, the making of Tennessee laws and the legislative process, the state budget process, and the U.S. Constitution.



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# Tennessee Municipal League



## *Who We Are and What We Do*

The Tennessee Municipal League is a voluntary, cooperative organization established by the cities and towns of the state for mutual assistance and improvement. The League's primary function is to work with the Tennessee General Assembly on behalf of city governments, promoting legislation helpful to cities and opposing legislation harmful to cities. Two extensions of the League include the TML Risk Management Pool, providing a host of insurance products to cities, and the Tennessee Municipal Bond Fund, which creates and administers a variety of loan programs.

TML has been in existence for more than 70 years and is dedicated to offering services and programs that will give municipal officials the knowledge and tools for making the best possible public decisions in the complex world of municipal government. The League is a membership driven organization and is governed by a board of directors comprised of both appointed and elected municipal officials.

### **Public Policy Advocacy**

Advocating for public policies that benefit and strengthen local government

### **Membership Programs**

Exploration and implementation of services and programs to benefit cities and towns

### **Intergovernmental Relations**

Promoting stable and productive intergovernmental relationships

### **Public Awareness**

Promotion of increased understanding and support for the benefits and value of strong local government with the media, the general public, and other institutions

### **Membership Education**

Publications, information, training and networking opportunities for key elected and appointed local officials

### **Unity**

Fostering a strong sense of unity between all cities and towns resulting in a common agenda to advance local government interests

### **Federal Representation**

Advocacy of local government interests before the United States Congress and federal agencies is provided through affiliation with the National League of Cities in Washington, D.C.

# Legislative Program

Municipalities maximize their strength by working together through the Municipal League to monitor and influence state legislative issues affecting them. League policy positions are established by policy committees, prioritized by the legislative committee, and approved by the Board of Directors each year. The Board directs the legislative staff to secure sponsorship and seek passage of bills that will benefit municipal government. In addition, the staff monitors all proposed bills to assess their impact on municipal government. The staff works for the passage, defeat, or amendment of legislation depending upon each bill's impact on municipal government. TML also monitors federal legislation in conjunction with the National League of Cities.

Throughout the legislative session, TML distributes a **Daily Update**, **Week in Review** and a **Legislative Bulletin** to the membership. Distributed through e-mail, the updates recap daily and weekly legislative activities on bills affecting municipalities, suggests action steps for local officials and previews the upcoming week.

In late February or early March of each year, TML hosts a Legislative Conference in Nashville to facilitate and encourage member participation in the legislative process. TML also encourages city officials to foster an effective relationship with legislators throughout the year.

## District Directors' Program

The District Directors' Program is designed to capitalize on TML's greatest asset – its members. Elected and appointed municipal officials are the most knowledgeable about their community and best suited to assess the effects of legislation, and therefore are best able to articulate their views to their legislator on the relative merits of an individual bill or amendment.

The District Directors' Program helps build, foster, and facilitate constructive relationships between city officials and their state legislators. Advocacy efforts become more localized as each district is established as a primary point of contact and a point of origin for all advocacy efforts. District Directors are actively engaged in arranging meetings for city officials with legislators and provide feedback to the League on what they are hearing in the "field."

Through the District Directors' program, the League staff provides the support and tools needed to effectively deliver a coordinated message on city issues to legislators and prospective candidates. Staff efforts compliment the District Director's work, but cannot be a substitute for the personal contact and relationship established with each respective legislator.

**District Meetings** – Prior to the legislative session, a district meeting is held each year to provide TML's legislative staff an opportunity to review the League's legislative priorities for the upcoming session. However, district directors can schedule other meetings throughout the year with program content that is specifically tailored to the district and fosters more interaction and discussion of issues of importance to district members.

**District Legislative Meeting** – Mayors and/or city managers in the district meet with legislators to convey TML legislative initiatives and positions on other legislation of interest to municipalities. These meetings are recurring events and held at a time when legislators are in their home district.

# Stay Informed through the Hometown Connection

The Tennessee Municipal League's advocacy program, "Hometown Connection," is designed to foster better relationships between city officials and their legislators and enhances the League's advocacy efforts on Capitol Hill. As an active advocate for your municipality, you can make your voice heard in the Tennessee General Assembly and the U.S. Congress.

TML's Hometown Connection will provide many resources to help city officials stay up-to-date on legislative activities, as well as offer more opportunities for our members to become more involved in issues affecting municipalities.

Among the many resources at your disposal are:

- ✓ Legislative Bulletin
- ✓ Action Alerts
- ✓ Special Committee Lists
- ✓ TML Web Site and the Hometown Connection
- ✓ TML District Directors' Program
- ✓ Hometown Champions
- ✓ Hometown Heroes
- ✓ Legislative Contact Forms
- ✓ Tennessee Town and City
- ✓ Legislative Conference
- ✓ Annual Conference



## Legislative Bulletin

During the legislative session, the *Legislative Bulletin* is one of the main tools that TML uses to communicate with its members on issues affecting local governments. Distributed each Friday to every city hall in Tennessee, the bulletin focuses on priority bills as they move through the legislative process, recaps the week's legislative activity and previews the upcoming week. It's important that at least one staff person is designated as a point of contact and given the responsibility for immediate review and distribution of the *Legislative Bulletin* and for initiating a timely response to legislators and/or to the League.

## Action Alerts

With the fast pace of the legislative session, often legislation is filed or an amendment proposed that requires immediate response from municipal leaders. Action Alerts will be distributed via e-mail that will inform you of recent developments and request that you contact your legislator immediately. Whenever possible, action alerts will be targeted and tailored to members who have either expressed interest in a specific issue area or his or her legislator serves on a key legislative committee. For example, if a bill of importance is calendared for the House State and Local Government Committee, city officials whose representatives serve on that committee, will receive an Action Alert, requesting they take action.

## TML website and the Hometown Connection – [www.TMLI.org](http://www.TMLI.org)

A "member-only" section on the TML's website, entitled Hometown Connection, serves as a legislative library at your fingertips and it's open 24/7. By accessing the Hometown link, you will find information on the League's legislative agenda, background information, and a series of legislative folders packed with information on key issues

that affect municipalities. This section also features a bill tracking system to stay current on specific legislation as it moves through the process, as well as access to Legislative Bulletins and Action Alerts that are distributed throughout the session.

### **TML District Directors Program**

District Directors help build, foster, and facilitate key relationships with city officials and state legislators throughout each district. Lobbying efforts become more localized by establishing each district as primary points of contact and a point of origin for all lobbying efforts. District Directors are actively engaged in arranging meetings for city officials with legislators and provide feedback to the League on what they are hearing in the “field.” Often, District Directors will be the League’s first contact on important legislative matters and they may be asked to disseminate the information to city officials within their area.

### **Hometown Heroes**

Hometown Heroes is a TML initiative that provides willing municipal officials the opportunity to travel to Nashville to testify, to advocate, or simply to demonstrate a municipal presence before a Senate or House committee.

### **Hometown Champions**

Hometown Champions are those municipal officials with unique relationships with legislators other than their own. For example, you are a municipal official from West Tennessee and your college roommate is a legislator from East Tennessee. Those municipal officials who register to be a Hometown Champion should rest assured that every effort will be made to respect these relationships and to mobilize this list sparingly.

### **Legislative Contact Forms**

Members will be able to access an on-line contact form that will assist staff in preparation of weekly whip reports and help to ensure each legislator is contacted on key legislative matters. This information will be used to develop a real-time picture of legislator’s positions on issues of importance to municipalities and enable district officers and staff to effectively target outreach efforts.

### **Tennessee Town and City**

Published biweekly, the League’s newspaper reports on local, state, and federal government issues, legislative concerns, affiliated association’s activities, and innovative municipal services and programs. Readership of the publication includes municipal officials throughout the state, the Governor’s administration, the Tennessee General Assembly, Tennessee’s Congressional delegation, and the media.

### **Legislative Conference**

In late February or early March of each year, TML hosts a legislative conference in Nashville to update the membership on developments of the current legislative session and to facilitate and encourage member participation in the legislative process.

### **Annual Conference**

TML’s annual conference offers a broad range of educational programs combined with networking opportunities for city officials from across the state. Offered in June following the legislative session, the conference rotates each year between Memphis, Nashville, Knoxville, Chattanooga, Gatlinburg and Murfreesboro.



**The Tennessee Municipal Bond Fund (TMBF)** creates and administers various types of loan programs for the benefit of cities and counties. As an entity of the Tennessee Municipal League, TMBF works closely with city officials to structure cost-effective and flexible borrowing options. Any governmental purpose project qualifies for financing through the TMBF programs. The loan size and/or repayment term typically determines which program a borrower utilizes. Types of projects include but are not limited to schools, roads, utilities,

public buildings, jails, equipment, and any other project considered to be of benefit to the public. Project funds are available for any size government.

Created in 1985, TMBF began making loans in 1986. Since inception, programs administered by TMBF have resulted in total borrowings by local governments in Tennessee in excess of \$3.1 billion. Many borrowers have multiple loans through one or more programs. Loan sizes range from \$21,000 to \$103 million. More than 160 local governments have utilized the services of TMBF resulting in tremendous cost savings for these borrowers. The interest rate on the popular variable rate pooled loan program has averaged under 3 percent since 1986.

For more information contact: (615) 255-1561 or (615) 255-7428 (fax)



**The TML Risk Management Pool (TMLRMP)** was created to provide insurance coverage to local governments; however, it is not an insurance company. The pool is a cooperative risk sharing arrangement that works in many ways like a traditional insurer. Participating members pay a premium, receive coverage, and make claims against that coverage.

The unique relationship between local governments and the TMLRMP sets it apart from traditional insuring methods. The TMLRMP is a risk management, coverage/service provider and has the advantage of being able to tailor coverages and services for local government needs and through the risk management process, control the costs for these coverages and services. The TMLRMP provides liability coverage for both tort and non-tort exposures, worker's compensation coverage, and offers a multitude of property coverages.

For more information on the services provided by the TML Risk Management Pool call (800) 624-9698 or (615) 371-0049 or you may visit the TMLRMP web site at [www.tmlrmp.org](http://www.tmlrmp.org).



Local officials do not have time to “reinvent the wheel” each time they face a problem or question. In the complex world of local government, managing a municipality can be quite challenging, especially in smaller municipalities with limited resources. Through the **Municipal Technical Advisory Service (MTAS)**, an agency of The University of Tennessee's Institute for Public Service, local officials can obtain technical assistance in a variety of areas. MTAS consultants will assist in the development of practical and individual solutions for your city. In addition to general and technical consulting duties, MTAS also fulfills municipal training needs through its *City University* and *Elected Officials Academy* programs, as well as other specialized training programs.

Established in 1949 by the Tennessee General Assembly, MTAS is funded by a direct state appropriation and a portion of the local share of the state sales tax.





## *Tennessee's Sunshine Laws*

# **Open Meetings**

**&**

# **Open Records**

## **Open Meetings**

The Tennessee Public Meetings Law is commonly referred to as the “Sunshine Law,” and it is one of the most comprehensive open meetings laws in the country. The statute declares that all public policy and public business decisions must be made in meetings that are open to the public. The Public Meetings Law not only requires that meetings be open to the public but also requires adequate public notice and thorough minutes of such meetings. *Tennessee Code Annotated* § 8-44-101-106 says that “all meetings of any governing body are declared to be public meetings open to the public at all times, except as provided by the Constitution of Tennessee,” with a few exceptions.

### **WHAT IS CONSIDERED A GOVERNING BODY?**

Defined in T.C.A. § 8-44-102(b): “The members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.”

### **ARE ALL MEETINGS REQUIRED TO BE OPEN?**

It is permissible for a board to have a retreat or closed-door meeting to discuss personal matters, as long as no matters of city business are discussed. However, if the board members are discussing any matter that is pending before the board or any anticipated city business, then the discussion must be held during an open meeting.

### **DOES THE LAW APPLY IF SEVERAL MEMBERS OF THE COUNCIL ATTEND A SOCIAL EVENT?**

The Open Meetings Act specifically excludes application of its requirements to “a chance encounter, social gathering, or other occasions.” However, in such cases, care should be taken to avoid discussions of policy issues that are intended by the Act to be addressed in open session.

### **IF MEMBERS OF THE CITY COUNCIL COMMUNICATE VIA E-MAIL, ARE THEY SUBJECT TO THE REQUIREMENTS OF THE ACT?**

No such chance meetings, informal assemblages, or electronic communication shall be used to decide or deliberate public business in circumvention of the spirit or requirements of T.C.A. § 8-44-102.

### **WHAT CONSTITUTES “ADEQUATE PUBLIC NOTICE?”**

The Tennessee Supreme Court has stated: “It is impossible to formulate a general rule in regard to what the phrase ‘adequate public notice’ means. However, adequate public notice means adequate public notice under the circumstances, or such notice based on the totality of the circumstances as would fairly inform the public.

### **MINUTES**

The Public Meetings Law also addresses minutes of meetings of governing bodies. The act requires the minutes of a meeting shall be promptly and fully recorded; shall be open to public inspection, and shall include a record of the persons present, all motions, proposals and resolutions offered, the results of any votes taken, and a record of individual votes in the event of a roll call.

*Source: MTAS's Technical Bulletin: Open Meetings in Tennessee.*

# Open Records

The principle of allowing public access to government records, combined with the state's open meetings law, is considered an important check on government and an important defense against corruption in public office and mismanagement of public resources. Unless there is a specific statutory exemption that makes a record confidential, the public has the right to inspect and make a copy of government records. So not only must you, as a municipal official, preserve and keep records, you must allow public access to these records for inspection.

The legislature made it clear that its intent in passing this law was to "...give the fullest possible public access to public records," and it instructed the courts to exercise whatever remedies are necessary to ensure that purpose is fulfilled. The courts have ruled that a "presumption of openness" exists with government documents. However, that public access is not totally without limitation.

## WHO HAS ACCESS?

The statute states that records must be open for inspection by any "citizen" of Tennessee, including convicted felons incarcerated as inmates within the Tennessee prison system. The Tennessee Supreme Court has concluded that neither the Tennessee Public Records Act nor any other statute prevents a felon from seeking access to public records. Neither should access be denied to anyone else who is a citizen of this state. However, since the statute states that it grants public access to "any citizen of Tennessee," the Tennessee Attorney General has opined that public officials may deny requests for copies of public records based on the lack of state citizenship.

## HOW SHOULD ACCESS BE PROVIDED?

The law states that records shall be open to inspection "during business hours." Additionally, in all cases where a person has the right to inspect public records, he or she also has the right to make copies of the record. Every effort should be made to provide reasonable accommodation to parties requesting access to records.

In the final days of the 2008 session, the Tennessee General Assembly approved changes to the state's open records law. The new law, PC 1179, provides that in the event access to a public document is not readily available for viewing, records custodians are required to respond to requests within seven business days of receipt of the request, provide an estimated time that the record will be made available, or provide a written reason for lawfully denying access to the record. In an effort to standardize the process across the state and to assist custodians in complying with this component of the new law, the Office of Public Records Counsel has developed three separate forms that a custodian may use for such purposes. While it is an option, municipalities are strongly encouraged to make use of these forms. The forms, along with instructions on how and when they are to be used, can be found on the Comptroller of the Treasury's website at: [www.comptroller.state.tn.us/openrecords/forms.htm](http://www.comptroller.state.tn.us/openrecords/forms.htm).

## OFFICE OF OPEN RECORDS COUNSEL

The Office of Open Records Counsel was created to assist citizens in obtaining open records from local governments, both in guiding citizens to correct offices/officials and in working to resolve disputes regarding access. The Office is also authorized to issue informal advisory opinions on open records questions, which

### In 2008, the Tennessee General Assembly approved changes to the state's open records law. (Public Chapter No. 1179)

Creates the Office of Open Records Counsel to serve as the contact for citizens with concerns on access to local government public records and to mediate any open records disputes.

Request for copies of records may be required to be writing, or on a form developed by the Open Records Counsel.

Records custodians may take up to seven business days to:

- Provide access to a record;
- Deny in writing access to record with explanation of basis for denial; or
- Indicate additional time necessary to produce the record.

Custodians may require the requestor to produce a photo ID with address in order to inspect or to receive copies.

Reasonable Fee Charges:

- Black and white copy (letter or legal) \$0.15
- Color copy (letter or legal) \$0.50

Municipalities may also recover labor costs exceeding one hour required to complete a records request.

are posted on their website. The 2008 law also charged the counsel with developing a fee schedule for reasonable charges for open records requests.

### **WHICH RECORDS MAY BE SUBJECT TO PUBLIC ACCESS?**

It has already been noted that the legislature intended the fullest possible public access to public records. But what are public records? Generally speaking, the courts have ruled that “[i]n those instances where documents have been made or received in connection with the transaction of official business by any governmental agency, then a presumption of openness exists, and the documents are public records within the meaning of [T.C.A. §] 10-7-503.” This presumption of openness is overcome wherever state law provides that a record shall be kept confidential.

### **ARE E-MAILS RECEIVED FROM CITY E-MAIL ADDRESSES CONSIDERED PUBLIC RECORDS?**

Yes. Assuming the e-mails contain information relating to the conduct of the public business and no exemptions apply, the e-mails are public records and must be disclosed. Purely personal information that is unrelated to the conduct of the public’s business need not be disclosed.

### **CONFIDENTIAL RECORDS**

Another statute in the Tennessee Public Records Act provides a long list of government records that must be kept confidential. This statute is amended and added to on a regular basis by the Tennessee General Assembly. (T.C.A. § 10-7-504). In 2008, the Legislature expanded the scope of confidentiality of municipal employee personal information to include home telephone numbers, personal cell phone numbers, and residential street addresses.

### **MAINTENANCE OF CONFIDENTIALITY**

Any record that is designated as confidential must be treated as such by the agency with custody of the record throughout the maintenance, storage and disposition of the record. This includes destroying the record (if it is eligible for destruction) in such a manner that cannot be read, interpreted or reconstructed. Once a confidential record has been in existence more than 70 years, it shall be open for public inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law or unless the record is a record of services for mental illness or retardation. This 70-year rule does not apply to adoption records, records maintained by the office of vital records, and records of the T.B.I. that are confidential.

### **PROTECTION DOCUMENTS**

In addition to the records made confidential by state laws, there are other records that *may* be made confidential. Chapter 344 of the Public Acts of 1999 amends T.C.A. § 10-7-504 to allow persons who have obtained a valid protection document to keep confidential certain information that could be used to locate them. Protection documents include orders of protection and affidavits of directors of rape crisis centers or domestic violence shelters. If the individual desiring confidentiality presents one of these documents to the records custodian, the custodian of the records may choose to comply with the request or reject it. If the request is rejected, the custodian must state the reason for denying the request. If the request is granted, the records custodian must place a copy of the protection document in a separate confidential file with any other similar requests. Until the custodian is notified otherwise, any time someone requests to see records of the office, the records custodian must ensure that any identifying information, such as home and work addresses, telephone numbers, and social security numbers, are kept confidential before allowing any record to be open for public inspection. That information must be redacted from the records of the office before anyone can be allowed to inspect the records of the office. Unless you are certain your office can redact all identifying information regarding an individual from all files of your office you should probably reject such requests for confidentiality, citing the administrative difficulty in redacting the records. It is not mandatory for your office to comply with these requests. However, if you do comply and then fail to protect all identifying information, you may create liability for your office.

Source: MTAS’s *Records Management for Municipal Governments*

# Code of Ethics

Public Chapter No. 1 of the Extraordinary Session of the 2006 General Assembly requires municipalities to adopt a code of ethics by ordinance or members of the municipal governing body will be subject to ouster. The ordinance restrictions must apply to boards, commissions, authorities, corporations, and other entities created or appointed by the municipality. A copy of the ordinance must be kept on file with the Tennessee Ethics Commission.

The act also affects entities created by interlocal agreement under the state's general Interlocal Cooperation Act. These entities must also adopt an ethics code. Rather than requiring the ethics provisions to be enacted by the governing boards of these entities, however, the act requires the agreement itself to be amended to include the ethics standards. Therefore, municipalities participating in interlocal agreements should take steps to ensure the agreement is amended to include ethical standards.

The act requires local ethics standards to include two restrictions:

- (1) rules setting limits on and/or providing for reasonable and systematic disclosure of gifts or other things of value received by officials or employees that affect or appear to affect their discretion, and
- (2) rules requiring reasonable and systematic disclosure by officials and employees of personal interests that affect or appear to affect their discretion.

These two restrictions are combined with other ethics provisions that municipalities have commonly adopted, such as:

- use of confidential information,
- use of municipal time and facilities,
- use of position of authority, and
- outside employment.

Several state statutes establish ethical provisions for municipal officials and employees. And many municipalities already have ordinances that prohibit the city's officials and employees from accepting any gift or thing of value that could be interpreted as an attempt to influence the officer's or employee's actions with respect to city business. Many have ordinances prohibiting officials and employees from using their positions for personal gain. Many municipalities have also adopted ethics regulations by personnel policy or as part of an employee handbook. Some have ordinances requiring disclosure of personal interests that could affect their decisions.

Although most cities already have ordinances that are more restrictive on receiving gifts and other things of value than those required by the act, most do not meet the disclosure requirement of personal interests. Most existing ordinances do not require disclosure of personal interests in addition to that already required under state law. For these reasons – and possible ouster for failing to do so – municipalities must adopt either the model code of ethics developed by the Municipal Technical Advisory Service or adopt their own ordinance.

Public Chapter No. 1 of the Extraordinary Session of the 2006 General Assembly requires municipalities to adopt a code of ethics by ordinance or members of the municipal governing body will be subject to ouster.

The act requires local ethics standards to include two restrictions: rules setting limits on gifts & systematic disclosure of personal interests.

Source: *MTAS Hot Topic* by Dennis Huffer

# Parliamentary Procedures

To Do THIS	You SAY THIS	MUST YOU BE SECONDED?	IS THE MOTION DEBATABLE?	IS THE MOTION AMENDABLE?	WHAT VOTE IS REQUIRED?
Adjourn the meeting (before all business is complete)	"I move that we adjourn."	Yes	No	No	Majority Vote
Recess the meeting	"I move that we recess until"	Yes	No	Yes	Majority Vote
Complain about noise, room temperature, etc.	"Point of privilege."	No	No	No	None
Suspend further consideration of something	"I move we table it."	Yes	No	No	Majority vote
End debate	"I move the previous question."	Yes	No	No	Two-thirds vote
Postpone consideration of something	"I move we postpone this matter until..."	Yes	Yes	Yes	Majority vote
Have something studied further	"I move we refer this matter to a committee."	Yes	Yes	Yes	Majority vote
Amend a motion	"I move that this motion be amended by	Yes	Yes	Yes	Majority vote
Introduce business (a primary motion)	"I move that ..."	Yes	Yes	Yes	Majority vote
Object to procedure or to a personal affront	"Point of order."	No	No	No	None
Request information	"Point of information"	No	No	No	None
Ask for a vote by actual count to verify a voice count	"I call for a division of the house."	No	No	No	None
Object to considering some undiplomatic or improper matter	"I object to consideration of this question."	No	No	No	Two-thirds vote
Take up a matter previously tabled	"I move we take from the table.."	Yes	No	No	Majority vote
Reconsider something already disposed of	"I move we reconsider our action relative to"	Yes	Depends on original motion	No	Majority vote
Consider something out of its scheduled order	"I move we suspend the rules and consider	Yes	No	No	Two-thirds vote
Vote on a ruling by the chair	"I appeal the chair's decision."	Yes	Yes	No	Majority in the negative



# Carrying Your Message to the Capitol

Keeping your legislators informed on the needs of Tennessee's cities and seeing that the Tennessee General Assembly and U.S. Congress meet those needs is up to you. When you get involved in the legislative process and share your expertise and experiences with your legislators, your city and all cities have a stronger voice. No one knows your city or town better than you do. And, therefore, no one can do a better job of telling your elected representative what works and what does not work for your community than you can.

There are several methods for local elected officials to advocate issues before their lawmakers. The more personal and direct the method, the greater the influence.

The following information is designed to help you carry your city's message to the Capitol and to help make your meetings with legislators more effective.

- **Develop a positive working relationship with your legislator.**
  - Regularly meet with your legislators to update them on key legislative issues.
  - Invite legislators to city council meetings and explain your issues and what your city faces.
  - Include legislators in important local events.
  - Give credit when credit is due.
  - Hold legislators accountable for their positions.
- **Have a specific agenda.** When meeting with your legislator, know what steps the legislator can take to address the city's concerns and be specific about what action you would like to have taken.
- **Be prepared to present your case firmly and succinctly,** supported by specific examples of the impact of the pending action on your community. You should also be prepared to respond to counter arguments or alternative suggestions.
- **Connect your community to the issue.** Make a clear connection between what you are asking for and the needs of your citizens.
- **Be responsive and provide additional information quickly,** if asked.
- **Say "thank you."** Follow-up the conversation with a thank-you letter. In your thank-you letter, summarize the key points of the discussion and spell out areas of agreement and disagreement. Indicate that you will be back in touch soon to check on the progress.
- **Get to know your legislator's staff.** If you cannot talk directly to your legislator, a call to a Capitol office staffer, whom you know and knows you, is the next best thing. Meetings with staff members can be very productive.
- **Keep the League informed.** Always send copies of your correspondence to and from legislators to the League. League staff can work more effectively with your legislators when we know what you've said and received in return.



# ***The State Budget Process***

The Tennessee Constitution requires that the annual budget of state government be balanced. Thus, the legislative and executive branches must work together to balance the budget. The General Assembly reviews and revises the Governor's proposed budget and passes tax laws to provide needed revenue.

Within the Department of Finance and Administration, the Division of Budget is responsible for budget development. Preparation, deliberation, and execution of the budget is a continual process throughout the year. Immediately after a new fiscal year begins each July, the staff of the Division of Budget begins making plans for the budget that will be considered by the General Assembly for the subsequent fiscal year. Automated forms and instructions are distributed to the agencies in August. The deadline for completion and transmission of the budget requests is the first of October. During this preparation period, the staff of the Division of Budget continually meets with the agencies' fiscal and program personnel to answer questions and provide assistance in developing their budget requests.

## **Preparation of the Budget**

After the receipt of agency budget requests, analysts with the Division of Budget begin the process of balancing expenditures against estimated revenues. Within this constraint, funds must be provided for Administration initiatives of high priority, activities that must be sustained as mandated by state or federal statute, and the day-to-day operation of state government. Following analysis of the requests by the Division of Budget, detailed recommendations are made to the Commissioner of Finance and Administration. Meetings are convened with commissioners and directors of the departments and agencies by the Commissioner of Finance and Administration. A consensus is sought with the agencies as to the appropriate funding level for the upcoming year. The Governor and the Commissioner of Finance and Administration review the recommendations resulting from these hearings and consider necessary alterations to fit within the scope of the Administration's initiatives.

## **Legislative Deliberation**

After the Budget Document have been presented, the appropriation process is initiated. The Appropriations Bill, prepared by the Department of Finance and Administration, is introduced and referred to the Finance, Ways, and Means Committees of both houses of the Legislature. The Senate and House of Representatives must ultimately pass the exact version of the Appropriations Bill for it to be enacted into law.

## **Budget Execution**

When passage of the Appropriations Bill is complete and it is enacted into law, the execution of the act begins. Invariably, there are changes from the Budget Document as presented by the Governor to the General Assembly and the Appropria-

## **How Revenues are Projected to Fund the State Budget**

In creating the budget, the Governor looks to the State Funding Board for revenue projections for the upcoming fiscal year. The State Funding Board consists of the Governor (who serves as chair), the State Treasurer, the Secretary of State, the Commissioner of Finance and Administration, and the Comptroller of the Treasury. The Funding Board conducts public hearings to update estimates for the current fiscal year and develop first time estimates for the forthcoming fiscal year. The Funding Board has the authority to reevaluate its estimates later in the fiscal year if economic or fiscal conditions change.

tions Act that is adopted. Analysts of the Division of Budget and fiscal personnel in the departments and agencies have the responsibility of reconciling the approved Appropriations Act with the Budget Document. This may involve increases or decreases to agencies' and divisions' allotments. The Division of Budget establishes an annual allotment for each agency and division using the reconciled Appropriations Act. The agencies and divisions spend against these allotments in the upcoming fiscal year.

Budget execution is a process that continues throughout the fiscal year. In addition to the daily review of numerous operational and personnel transaction requests, the budget analysts must assure that legislative intentions of the Appropriations Act are being complied with and carried out by the various departments and agencies. Throughout the fiscal year, the Budget Division staff reviews the status of the various allotments and advises the Commissioner of Finance and Administration of any problems. At the end of the fiscal year, the Division of Budget has the responsibility of executing revisions to the annual allotments as a function of the closing process. The financial statements of the State of Tennessee are prepared in conformity with generally accepted accounting principles as prescribed by the Governmental Accounting Standards Board (GASB).

*Source: The Division of Budget*

## The Budget Process Timeline

**1 July Through February**  
State agencies begin reviewing their budgets for the next fiscal year by July of the current fiscal year. In August, the Governor sets policy guidelines for state agencies. In November, the State Funding board evaluates the state's economic condition and provides a consensus estimate of revenue ranges for the next fiscal year. Starting on October 1, and continuing through December, the Budget Division analyzes budget requests and holds hearings with all state agencies in order to finalize recommendations. In February, the Governor submits the budget and the necessary legislation for its implementation to the General Assembly for legislative consideration.

**2 February Through May**  
Various standing committees of both Houses of the General Assembly review the bills necessary to implement the budget. Finally, these bills are introduced to the Finance, Ways, and Means Committees of both Houses. The Senate and House Representatives must pass the exact version of these bills for them to be enacted into law.

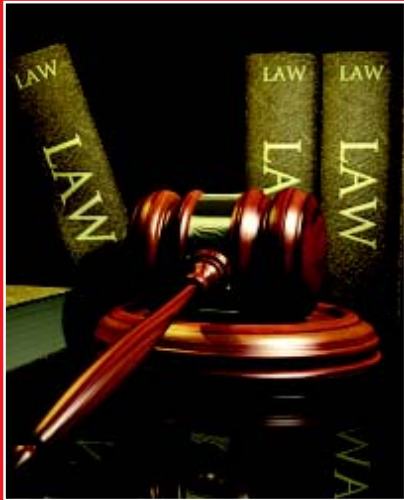
**3** The Governor has the authority to approve or veto line items in each of the bills necessary to implement the budget.



**4 Year Round**  
The Division of Budget, with input from agency fiscal personnel, has the responsibility of reconciling the approved bills with the budget. It is the responsibility of the Division of Budget to continually monitor and analyze an agency's spending plan for compliance with legislative intent as expressed in the Appropriations Act and revise it, if approved by the legislature, during the fiscal year.

*Source: TACIR's Citizens' Guide to the Tennessee Budget*





# *The Making of our State's Laws*

The Constitution of Tennessee provides that each Legislature convenes for a term of two years beginning on the second Tuesday in January of each odd-numbered year. The primary function of the General Assembly is lawmaking. The Legislature enacts laws, provides a forum for debate, and secures financing for the operation of state government.

## **INTRODUCTION**

A legislator may introduce a bill in the body of which he is a member by filing it with the appropriate clerk. Bills must be typewritten on letter size paper and introduced in the original with one copy. Both the bill and copy are jacketed in manuscript covers of different and distinctive colors. The signature, or signatures, of the member, or members, sponsoring the bill must be placed on the cover which also must contain the caption of the bill.

## **NUMBERED BY CHIEF CLERK**

The bill is then examined by the Chief Clerk of the House or Senate to see that it conforms to legislative rules, is given a number which is placed on all copies, and is then distributed as required under the rules. Since the Tennessee Constitution provides that no bill shall become a law until it shall have been considered and passed on three different days in each house, a somewhat complex procedure then follows concerning the bill.

## **PASSED ON FIRST CONSIDERATION**

A bill must be filed with the Chief Clerk no later than 4:00 p.m. on the day preceding the date of introduction. Any bills pre-filed in conformance with this House and Senate rule are introduced under the proper order of business, while any bills filed after 4:00 p.m. of the preceding day or during that day's session are held for introduction the next day the house is in session. There being no objection, the bill is passed on first consideration.

## **PASSED ON SECOND CONSIDERATION**

The next legislative day following introduction of a bill, the bill is passed on second reading and is referred by the Speaker to the appropriate standing committee under the proper order of business.

## **REFERRED TO COMMITTEE**

After the bill has been referred to committee, it will remain there unless one of the following courses of action is taken to bring it out: (a) the sponsor of the bill appears before the committee to explain the bill, and his motion to have the bill recommended for passage receives a majority vote of the committee; (b) after seven days in a committee without action being taken, the bill may be recalled from committee by a majority of the members of the Senate or House as the case may be; (c) if the bill is not considered controversial in nature, it is placed on a committee consent calendar and then reported as "recommended for passage" if objection is not raised; or (d) in the House committees, if the sponsor fails to appear before the committee at the scheduled hearing on two occasions and fails to request that the bill be rescheduled, the bill is returned to the Clerk's desk where it is held pursuant to Rule 81(2); (e) in the Senate committees, if the sponsor fails to appear before the committee at the scheduled hearing and has failed to request that his bill be re-scheduled, the bill is returned to the Clerk's desk for the purpose of being withdrawn from the Senate. The committee chairman report committee action taken in reporting bills out of committee to the Chief Clerk. All bills being recommended for passage by the committee are referred automatically to the scheduling committee, which is the House Committee on Calendar and Rules or the Senate Calendar Committee.

## **REFERRED TO CALENDAR**

The House Committee on Calendar and Rules is composed of the speaker, the speaker pro tempore, the majority leader or designee, the majority caucus chairman, the minority leader or designee, the minority caucus chairman, two members each of the majority and minority parties appointed by and to serve at the pleasure of the Speaker,

one chairman, one vice-chairman, and one secretary (appointed by the speaker), and the chairman of each standing committee. This committee sets the calendar and establishes the schedule of meetings of the various standing committees. Unlike the Senate Calendar Committee, the House Calendar and Rules Committee debates the merits of a bill or resolution. While the Senate Calendar Committee determines when a bill will reach the floor for debate, the House Calendar and Rules Committee determines whether a bill will reach the floor. The Senate Calendar Committee is composed of a chairman and the majority and minority floor leaders. The Senate rules state specifically that the Calendar Committee “shall only act as a scheduling committee and shall not engage in the determination of the merits of a bill or resolution” but shall calendar every bill or resolution referred to it.

### **PLACED ON CALENDAR**

Written calendars (lists of bills to be considered for third reading) are required to be posted in the Senate Chamber at least 24 hours prior to consideration by the Senate or in the House Chamber at least 48 hours prior to consideration by the House. Senate rules limit the Senate calendar to 14 general bills, plus holdovers, while House rules place the maximum at 25, including any bills held over from previous calendars or any bills set by special order and excluding only those bills “bumped” or objected to on a Consent Calendar. Consent Calendars are made up of those bills and resolutions considered non-controversial in nature and are required to be posted in the House at least three days in advance of consideration and in the Senate by 2 pm the day prior to consideration.

### **PASSED ON THIRD CONSIDERATION**

On the day a bill appears “on the calendar,” it is open to debate and amendment by the entire body considering it (House or Senate). This action takes place under the order of business now known as “Calendar.” The bill is then called up for passage, and after being considered the third time and discussed or debated, it may be passed with or without amendment by a majority of the members to which the body is entitled. (50 or more votes in the House; 17 or more votes in the Senate.) When debate is over, a vote is taken on the bill; and the question is, “Shall the bill be passed on third and final reading?” Procedure reaches that point either by (a) debate being exhausted, i.e., all those wishing to speak have done so and the Speaker calls for the question; or (b) a motion for the “previous question,” which requires two-thirds vote of those present, automatically stops debate and a vote is taken. If the vote on the passage of the bill carries, the bill automatically goes to the Chief Engrossing Clerk.

### **BILL IS ENGROSSED**

The bill now having been passed in one body then goes to the office of the chief engrossing clerk, where it is retyped, without errors or erasures and is transmitted to the other body. The bill is “engrossed” by reproducing it with all the amendments inserted in the proper places.

### **COMPANION BILLS**

It is customary to introduce identical bills in both houses simultaneously. When this is done, the bills are called “companion bills.” When a companion bill is passed in one house, it then goes to the other house to await action on its companion. When the companion bill is called up, it is made to conform with the version already passed by the other house and the version first passed is substituted for the companion in the second house. The substituted bill is then considered on third and final reading. (The motion to conform and substitute is appropriate only on third readings where a bill would have already gone through the first two steps required by the Constitution and the rules.) If a bill passes one house and is amended in the other, the bill goes back to the house where it was originally passed for action on the amendment. The first house may vote to concur or not to concur. If it concurs in the amendment(s), the bill follows through for the governor’s approval; but if the first house refuses to concur, the bill goes back to the house where the amendment originated and the motion there is that that house recede or refuse to recede from its position in adopting the amendment(s). If there is a refusal to recede, it then becomes necessary to appoint conference committees, consisting usually of at least three members of each house, to meet and attempt to reconcile the differences between the two houses on the bill or to recommend a course of action agreeable to both houses.

### **BILL IS ENROLLED**

After being passed by both houses, the bill is enrolled, that is retyped, without errors or erasures, on a heavy-weight paper, by the Chief Engrossing Clerk in the house of origin. This step involves preparing the bill in the exact form passed by both houses and in a format suitable for approval by the two Speakers and by the Governor.

### **SIGNED BY SPEAKERS**

After the Speakers sign the enrolled copy, it is automatically transmitted to the Governor for his action.

**SIGNED BY GOVERNOR**

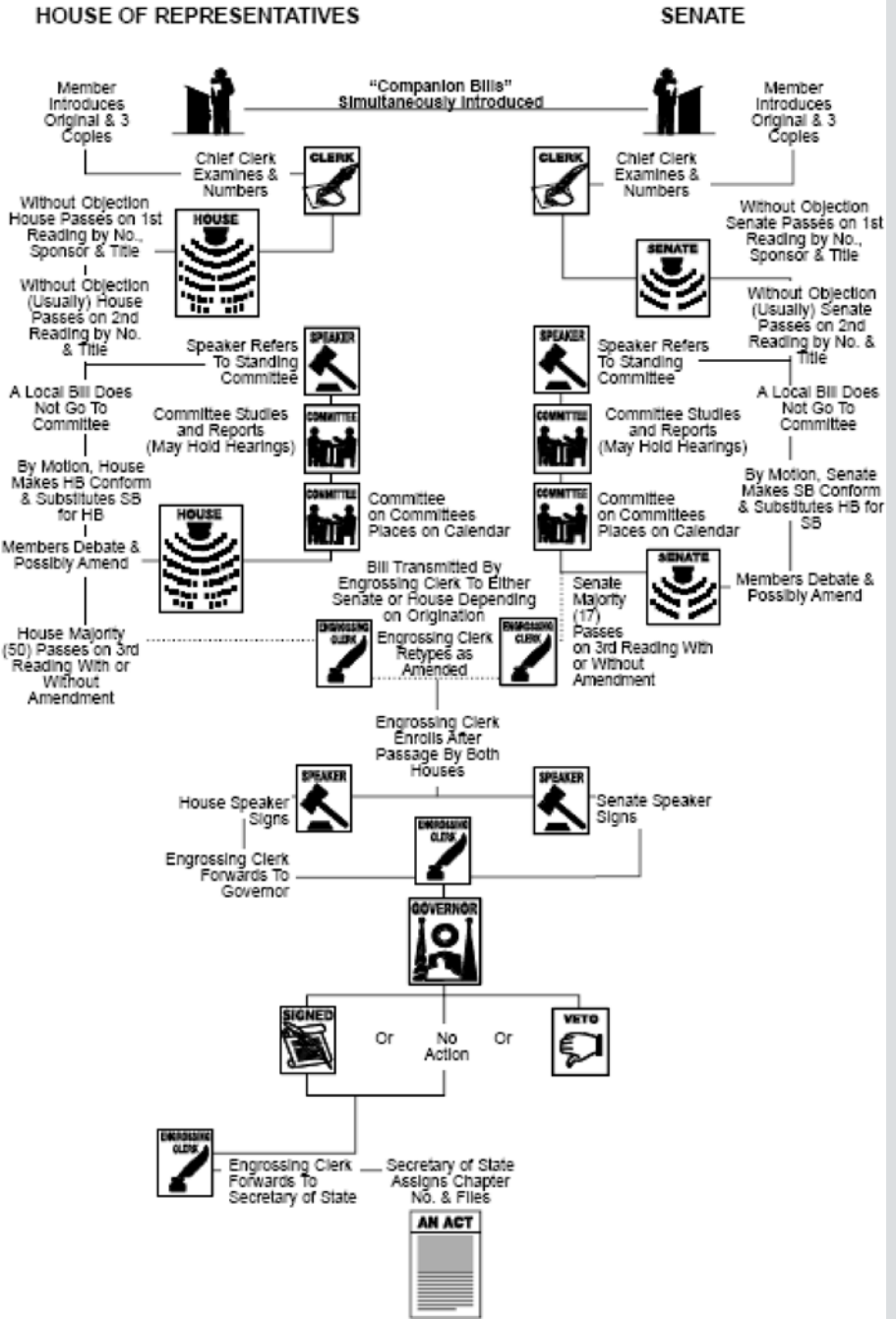
The Governor may sign the bill; veto it; or allow it to become law without his signature. The Governor is allowed 10 days (Sundays excepted) after a bill is presented to him to approve or veto the bill; if he takes no action within that period, the bill becomes a law without his signature. The Governor also has constitutional authority to reduce or disapprove any sum of money appropriated in any bill while approving other portions of such bill. If the Legislature is still in session, the Governor returns all bills and joint resolutions to the house of origin after he has taken action. After adjournment of the General Assembly, bills are returned by the Governor to the Office of the Secretary of State. If the Governor vetos a bill or reduces or disapproves an appropriation within a bill, the veto can be overridden, or reduced or disapproved sums of money restored, by a majority vote to which each body is entitled under the Constitution.

**SENT TO SECRETARY OF STATE & ASSIGNED PUBLIC CHAPTER NUMBER**

The Secretary of State's office assigns each general bill passed into law a public chapter number, while local bills are assigned private chapter numbers. The public chapters are published in pamphlet form soon thereafter for distribution to members of the

General Assembly and other interested parties. Several months after the session, the public chapters, resolutions and joint resolutions adopted are published in bound volumes as the Tennessee Public Acts. The private chapters are similarly published in bound volumes as the Tennessee Private Acts.

**How a Bill Becomes a Law in the General Assembly**



**INCORPORATED INTO THE CODE**

In the meantime, the Tennessee Code Commission and the publishers of the Tennessee Code Annotated are busily converting and annotating new laws into the existing Code. The supplements and replacement volumes of the Code are usually available about six months after the adjournment of the General Assembly. (It should be remembered that private acts apply only to one city or county and do not become a part of the Code.)

**LOCAL BILLS**

The first three steps in passing a bill (introduction, numbered by Chief Clerk, and passes first consideration) are the same for local bills as for general bills. On second consideration, however, procedure changes and the bill is passed on second consideration and held on the Clerk's desk. Since local bills only affect one "locality," they need not be

referred to a standing committee but must meet the approval of the local legislative delegation. The Speaker may refer a local bill to committee in which case it follows the normal steps in the committee system. After a local bill receives the signature of each member of the local delegation affected by the legislation, it is placed on the Consent Calendar. From the Engrossing process on, the procedure for local bills is the same as for general bills. These bills do not amend the code but instead become part of the Private Acts of a particular year.

### RESOLUTIONS

The following represents the normal steps in adopting resolutions. Resolutions differ from bills in that they do not become law but simply serve to express the views of the majority of one or both houses of the Legislature. Resolutions adopted in only one house are known as House or Senate Resolutions, depending on the house in which adopted or introduced. Resolutions adopted by both the Senate and the House are called Joint Resolutions. If they originate in the Senate, they are called Senate Joint Resolutions; and if in the House, they are referred to as House Joint Resolutions. In the Senate, all memorializing resolutions are referred to the Calendar Committee; and all other resolutions, except joint resolutions proposing joint conventions, are referred to standing committees. In the House, all resolutions except congratulatory or memorializing resolutions are referred to standing committees, while congratulatory and memorializing resolutions are placed on the Consent Calendar. All joint resolutions in either house calling for a joint convention of both houses are referred to a committee consisting of the Speaker, the majority leader, and the minority leader; this committee is known as the Committee on Delayed Bills. No resolution, except one proposing an amendment to the Constitution, is required to be read three times. However, according to Article III, Section 18 of the Tennessee Constitution, all joint resolutions, except those calling for adjournment of the Legislature and those proposing specific amendments to the Constitution, must be submitted to the Governor for his signature. The Governor may veto a resolution, just as he may veto a bill; and the General Assembly may override the veto of a resolution in the same manner it may override the veto of a bill.

*Source: Tennessee Legislative Information Services. & Tennessee Secretary of State*

A large, elegant cursive signature that reads "We the People".

THE FIRST CONSTITUTION OF THE GREAT STATE OF  
*Tennessee.*  
1796

### Constitution Of The State Of Tennessee

The first Constitution of the state of Tennessee was written in Knoxville during the winter of 1796, the year the state was created from the geographic area known as the Southwest Territory. The first constitution was not put to a vote of the citizens of the new state for ratification, but was approved by Congress. It gave almost complete control of state government to the legislative branch, thus abrogating the fundamental "balance of power" principle. This fact, among others, led to the calling of a new constitutional convention.

The second convention met in Nashville during the Spring of 1834. A new constitution was approved by the people in March 1835. The 1835 document stood until 1870, five years after the ending of the War Between the States. Delegates elected in December 1869, met in Nashville on January 10, 1870, wrote a new constitution and adjourned on February 23, 1870. The new constitution was ratified by the people on the fourth Saturday in March, 1870. The 1870 constitution stood unchanged until 1953, when it was first amended. Further amendments followed in 1960, 1966, 1972, 1978, 1998, and 2006.

For a complete copy of the Tennessee Constitution, go to the Tennessee Secretary of State's website at <http://state.tn.us/sos/bluebook/09-10/49%20Constitution,%20Tennessee.pdf>



## ***About the United States Constitution***

In America, the Constitution is the foundation of individual freedom. It is the written statement of basic principles and rules of the United States government that was adopted in 1788. It includes The Bill of Rights (first 10 amendments) adopted in 1791 and 16 other amendments adopted from 1798-1971.

In general, the Constitution stands for:

- **Government by the People** – a Republic with popular sovereignty, rather than a dictatorship;
- **A Limited Government** – only the powers the government has are given by the people;
- **A Federal Government** – both state and national governments have powers in different spheres;
- **A Separation of Powers** – power is divided between Executive, Legislative and Judicial branches;
- **Supremacy of Federal over State Government** – states cannot prevent Federal government from exercising powers given it by the Constitution.

### ***The Bill of Rights***

1st	Freedom of Religion, Press, Speech, Assembly, Petition
2nd	Right to Keep and Bear Arms
3rd	Quartering of Soldiers in Peacetime
4th	Freedom from Search
5th	Protection of Accused
6th	Rights of Accused Persons
7th	Trial by Jury
8th	No Excessive Fines or Cruel Punishment
9th	Other Rights Retained by the People
10th	Powers Reserved for States and People

<b>11th</b>	State Exemption from law suits
<b>12th</b>	Methods of Electing Presidents
<b>13th</b>	Prohibits Slavery
<b>14th</b>	Citizens' Rights
<b>15th</b>	Right to Vote regardless of race or color
<b>16th</b>	Federal Income Tax
<b>17th</b>	Popular Election of Senators
<b>18th</b>	Prohibition of Intoxicating Liquors

<b>19th</b>	Women's Suffrage
<b>20th</b>	Shortens Period of Lame Duck Congress
<b>21th</b>	Repeal of Prohibition
<b>22nd</b>	Limitation of Presidential Terms
<b>23rd</b>	Votes for Residents of Washington DC
<b>24th</b>	Poll Tax Barred in National Elections
<b>25th</b>	Presidential Disability and Succession
<b>26th</b>	Lowers Voting Age to 18



## ***Flag Etiquette***

Flag respect is the base and foundation of all flag etiquette decisions. The U.S. Flag should always be treated with the utmost care and respect. Remember, the flag represents a living country and, as such, is considered a living symbol.

### **When to Display a Flag**

The flag should be displayed daily from sunrise to sunset on or near the main administration building of every public institution. Always display the flag with the blue union field up — never display the flag upside down, except as a signal of extreme distress.

### **Several Flags on One Pole**

When several flags are flown from the same flag pole, the U.S. Flag should always be at the top. Flags of sovereign nations should not be flown on the same pole as the United States Flag but from separate poles.

### **Aside Other Flags on Poles**

When flown with flags of States, communities, or societies on separate and adjacent flagpoles that are of the same height and in a straight line, the United States flag is always placed in the position of honor — to its own right.

### **Platform or Floor**

When displayed on the floor or on a platform, the flag is given the place of honor, always positioned behind the speaker and to the speaker's right, and to the left of the audience. Other flags, if any, are positioned to the right of the U.S. Flag as seen by the audience.

### **Flags in a Parade**

The flag should be in front of the marchers. At the moment the flag passes in a parade or procession, all persons should show respect by standing at attention facing the flag with their right hand over their hearts. Persons in uniform should face the flag and render their formal salute. During a parade it is appropriate to salute only the first United States Flag. When other flags are included, the United States Flag should be centered in front of the others or carried to their right. In a parade, passing review, color guard or other setting, it is never appropriate to dip the American flag. Dipping the flag is a sign of disrespect.

### **Illumination of the Flag**

If displayed at night, the flag must be properly illuminated. Proper illumination means that the stars and stripes can be seen readily from a reasonable distance.

For a complete listing of proper Flag Etiquette, access the National Flag Foundation's website at [www.americanflags.org](http://www.americanflags.org).



## ***The ABCs Of a Successful First Term on City Council***

**A ATTITUDE.** The right attitude goes a long way toward successful service in municipal office. Think of your first term as an opportunity to learn and to serve. City government is complicated and difficult. If you think your election was a mandate from the people to “shake things up” at city hall, you might want to reconsider. It may be better to lay low, learn the ropes, and improve through contribution.

**B BUDGET.** Crafting, passing, and following a city budget are among the most important tasks you will perform as a council member. Municipal revenues are primarily derived from local property taxes, state-shared taxes, and local business taxes, and thus, provide significant restraints when crafting a budget. The “MTAS Guide for Municipal Budget Development and Execution” is published by the Municipal Technical Advisory Service and is an excellent resource. It may be obtained by visiting their website at [www.mtas.utk.edu](http://www.mtas.utk.edu).

**C CHARTER.** As an elected official, it is vital to become familiar with your respective city charter. This formal written document describes the rights and responsibilities of a municipality and its citizens and provides clear and precise guidance to its governance.

**D DUTY.** Each person on the council or board plays an important role in the policy-making process. Once your role has been established, make every effort to live up to be a valuable asset to the group.

**E ETHICS.** State law requires municipalities to adopt a code of ethics by ordinance. The ordinance restrictions must apply to boards, commissions, authorities, corporations, and other entities created or appointed by the municipality. Review and become familiar with your city’s ethics ordinance.

**F FREEDOM OF INFORMATION.** The Tennessee Open Meetings Act and the Tennessee Open Records Act require the public be granted access to meetings and records.

**G GOALS.** Knowing what quality of life the community members want is essential. It is imperative that the local governing body examines the impact of its decisions on the community’s short-term and long-term goals.

**H HOMETOWNS.** There are 346 municipalities in Tennessee, which may be used as resources when considering new programs or ideas in your community. Rather than reinventing the wheel, it may be advantageous to contact a city or town similar in population, size, or other similar characteristics to find out the pros and cons of a particular program.

**I INTERNET.** A wealth of information can be found on the Internet, including the Tennessee Municipal League website at [www.TMLI.org](http://www.TMLI.org) and the Tennessee General Assembly website at [www.capitol.tn.gov](http://www.capitol.tn.gov).

**J JUGGLE.** Through public service, you will practice your balancing skills and become even better at juggling all facets of your professional, civic, and home life.

**K KNOWLEDGE.** New city council members must use all available resources to develop their background knowledge about the diverse issues their constituents will expect them to resolve.

**L LEGISLATORS.** When remembering all politics is local, it is imperative that you establish and build upon relationships with your state and national elected officials. Municipal government is affected greatly by legislation passed by the Tennessee General Assembly and the U.S. Congress.

**M MEETING.** Almost everyone intuitively knows what is a meeting. However, according to the Tennessee Open Meetings Act, many other gatherings of the members of a governing body may constitute a meeting. For example, a gathering of two or more members of a governing body must be open to the public if deliberations occur with regard to pending business.

**N NETWORK.** Make an effort to get to know other elected officials. The Tennessee Municipal League as well as the National League of Cities offer a number of opportunities for local officials to come together and discuss ideas, learn about new programs, and develop new policies.

**O OPEN.** The governing process must be open and transparent if it is to be effective. This means refraining from conducting business behind closed doors unless specifically authorized by state law.

**P PROACTIVE.** Be proactive in dealing with city issues. Don't wait until a problem is right on top of you. By that point, it's often too late to take effective action. Always have an eye on the future by anticipating the needs of the city and your constituents.



**Q QUORUM.** A city council must have a quorum to call a meeting to order and conduct business. The number of council members required to establish a quorum varies by city but generally requires a majority of members present.

**R RESPECT.** Mutual respect is the key to effective governing. City council members should avoid personal attacks and focus on the issues at hand.

**S SOLUTIONS.** It is always easy to criticize others' ideas. As a member of the city council, your goal should be to propose solutions and work toward a consensus rather than dismissing the ideas of others.

**T TORT LIABILITY.** The Tennessee Governmental Tort Liability Act provides that municipalities can be sued for injuries caused by their employees only in a limited number of areas and immunizes municipal employees or limits their liability for injuries they cause in certain cases. Council members will generally be held personally liable only for actions taken outside the scope of their duties and responsibilities as members of the governing body. However, the city itself will be potentially liable for actions taken by its council members within the scope of their official duties.

**U UNILATERAL.** Councils set policy by acting as a whole. In most cases, individual council members have no power to take unilateral action on behalf of their city.

**V VOTES BY COUNCIL.** When a council votes on an ordinance or resolution, all that is typically needed to pass the item is a majority of those present and voting. While a quorum is the number needed to conduct a meeting, it is not necessary that a quorum actually vote on each agenda item. Local practices vary from city to city.

**W WORK TOGETHER.** Even if you disagree or don't get along with other members of the council, your first obligation is to solve problems and provide effective services to your local constituents. Try to put petty disagreements aside.

**X XEROX.** In the spirit of "going green," be respectful of the environment when making copies and printing documents. Encourage your community to use its resources wisely.

**Y YEAR.** Cities often operate on a fiscal year that is different from a calendar year. For a majority of cities, the fiscal year begins on July 1.

**Z ZONING.** A city council has the ability to divide a city into districts and allow in each district only certain land uses, such a commercial, residential, or industrial. Zoning protects property values and the public safety and is one of the main reasons cities incorporate in the first place.

# Resolving Conflicts - Is There an Easy Way Out?

For those who serve as local governmental officials, dealing with conflict is an everyday fact of life. Conflicts come early and often. It is not farfetched to say this is the reason voters elect mayors and council members – to have someone to resolve conflicts. It is also an everyday fact of life most people would rather not deal with conflict. It is simple to hope controversies will just go away or someone else will handle them. However, taking the easy way out almost always turns out to be a mistake.

**Bad Habits** that may look like an “easy” way out.

1. *Ignore the Problem* – hope it just goes away.
2. *Give In* – let those who first raised the issue have their way.
3. *Power* – An elected body has clear legal authority to impose its will; flex those muscles and force everyone to obey.
4. *Sue* – Don’t mess around with courtesies – get the best attorney on your side and head straight to court.
5. *Split the Difference* – This makes the math easy. Then you don’t have to make the effort to really understand or look at other options.
6. *Hurry Up* – Just make a decision and get on with more important business. Don’t stress about incomplete or inaccurate information, or worry about including all the players in the discussion.

**Good Habits** – the real “easier” way out.

1. *No Fear* – Don’t invite or encourage conflict, but also don’t fear or run away from it. Conflict creates an opportunity to improve, to fix something that needs fixing.
2. *Acknowledge the Problem* – Ignoring the problem is worse than the problem. Taking on the problem in a forthright manner prevents a volcano – like eruption.
3. *Understand the Problem* – Get accurate and complete information. Identify all of the critical stakeholders and their interests. Interests determine positions so it is critical to know what the stakeholders’ interests are.
4. *Respect* – Treating all participants with respect is a key to success, and failure to do so is a killer.
5. *Separate the Problem from the People* – People will collaborate to attack a problem, but if they perceive the attack to be personal the defenses go up immediately and progress comes to a halt.
6. *Concentrate on the Interests* – In almost every case there are many common interests.
7. *Ask for Help* – If necessary, don’t be afraid to bring in a facilitator or mediator.

## **The Payoff**

Local officials that have developed good attitudes and habits for dealing with conflict are in a great position to provide valuable service to their constituents. The community can move forward with confidence in their ability to work together and solve tough problems. The challenges aren’t really easy, but good habits make the task much, much easier.

## **Website Resources**

Tennessee Municipal League  
**[www.TMLI.org](http://www.TMLI.org)**

TML Risk Management Pool  
**[www.tmlrmp.org](http://www.tmlrmp.org)**

Municipal Technical Advisory Service  
**[www.mtas.utk.edu](http://www.mtas.utk.edu)**

State of Tennessee  
**[www.state.tn.us](http://www.state.tn.us)**

Tennessee General Assembly  
**[www.legislature.state.tn.us](http://www.legislature.state.tn.us)**

The United States Senate  
**[www.senate.gov](http://www.senate.gov)**

The United States House of Representatives  
**[www.house.gov](http://www.house.gov)**

National League of Cities  
**[www.nlc.org](http://www.nlc.org)**

**\*\* *During legislative session, House budget hearings and floor session may be viewed at***  
**[www.legislature.state.tn.us](http://www.legislature.state.tn.us)**

Tennessee Municipal League  
226 Capitol Boulevard, Suite 710  
Nashville, Tennessee 37219

615-255-6416      fax 615-255-4752  
[www.TMLI.org](http://www.TMLI.org)