



November 07, 2024

Creation and Membership

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Reference Number: CTAS-1146

The commission is required to be composed of at least six members. Three of the members are appointed by the county mayor subject to the confirmation of the county legislative body. Of those three, one appointee is to be a member of the county legislative body, one is to be a judge of one of the courts of record in the county (or the designee of the judge), and one is to be a genealogist. In addition to these appointees, certain county officers automatically become members of the county public records commission by nature of the office they hold. These *ex officio* members include the county clerk (or the designee of the county clerk), county register (or the designee of the register), county historian and, in those counties with a duly appointed archivist, the county archivist. In counties having a technology department or information technology department, the county legislative body may designate the director of such department as an *ex officio* member of the commission, and if so designated, the director or designee of the director shall also serve as an *ex officio* member of the commission. The *ex officio* members remain on the commission for as long as they hold their office. The appointed members of the commission serve until they vacate office, at which time the county mayor appoints a replacement in the same manner as provided above.^[1] Since the state statute mandating the records commission places no limitations on the *ex officio* members, there are no distinctions between the *ex officio* members and appointed members. All members of the County Public Records Commission have the same rights and privileges, including voting rights.^[2] If your county does not have a public records commission or if your records commission has become inactive, it is strongly recommended that you begin taking steps to comply with the law and establish the commission.

Sample resolution for creating a public records commission

^[1]T.C.A. § 10-7-401.

^[2]Op. Tenn. Att’y Gen. No. 98-114 (June 23, 1998).

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