

## **Determination of Necessity Tennessee Historical Commission**

Prior to the commencement of any business at the special meeting called pursuant to its bylaws on August 19, 2021, the Tennessee Historical Commission adopted this resolution in compliance with Tenn. Code Ann. § 8-44-108:

Whereas, public notice of this meeting has been given;

Whereas, the Tennessee Historical Commission ("Commission") desires to constitute a legal quorum of its 29 members for the purpose of moving its regular meeting from the original date of October 15, 2021;

Whereas, Tenn. Code Ann. § 8-44-108, requires a determination of necessity including a recitation of the facts and circumstances on which such determination was based;

Whereas, pursuant to Article IV, Section 1 of the Commission's bylaws, the Commission's regular October meeting was scheduled for the third Friday in October, which is October 15, 2021;

Whereas, the bylaws state that "the Commission may, by majority vote of those present at the next preceding meeting, set its next regular meeting at some other date;"

Whereas, the bylaws also state that "special meetings may be called by the Chair or upon written request of a majority of Commission members, due notice being given;"

Whereas, all administrative law judges in Tennessee are required to attend a training on October 15, 2021, making it impossible for an administrative law judge to attend the regular Commission meeting unless it is moved;

Whereas, Tenn. Code Ann. § 4-1-412(c)(4) requires that a final hearing for a petition for waiver be heard at one of the Commission's regular meetings (i.e., February, June, or October);

Whereas, to comply with the bylaws and Tenn. Code Ann. § 4-1-412(c)(4), the Commission must move the October regular meeting during the next preceding meeting of the Commission, but the matter was not addressed at the regular June Commission meeting;

Whereas, due to the compressed timeframe, it is not practical to physically gather a quorum of Commission members in time to make the determination regarding a new date for the October regular meeting;

Whereas, a quorum of the Commission has not been established by physical presence, but is participating by means of a teleconference enabling all of the Commission members to hear one another;

Whereas, the members have been provided all the necessary documents for review electronically or by mail;

Now, therefore, be it resolved by the Commission, that a necessity exists to conduct this meeting by means of electronic communication; and

Be it further resolved that this Determination of Necessity shall be included in the official minutes and that a copy of this resolution shall be filed with the Office of the Secretary of State within two working days of its adoption.

This \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Derita Coleman Williams  
Chairperson  
Tennessee Historical Commission