

Carter County Commission



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Minutes of:

Rules & Bylaws Committee

November 5, 2019 6:00 PM

Members:

Robert Acuff

Ginger Holdren

Mike Hill

Randall Jenkins

Brad Johnson

Ray Lyons

Austin Jaynes

Robin McKamey

I. Call to Order

The Rules & Bylaws meeting was called to order by Randall Jenkins at 9:50 pm.

II. Approval of Agenda

A motion to approve the agenda was made by Austin Jaynes, second by Mike Hill. The motion was unanimously approved.

III. Approval of Minutes

A motion was made by Mike Hill to approve the minutes from the October meeting, second by Austin Jaynes. Ray Lyons and Austin Jaynes abstained. The agenda was approved.

IV. Public Comments

None

V. New Business

a. Review Public Comments procedure

A copy of the current rule is attached. Section 4-a addresses Public Comments and what the procedure is. Mr. Jenkins asked the committee for their thoughts. Mr. Jaynes stated that speaker should be limited to their 5 (five) minutes without yielding or they can't speak and defer their 5 minutes unless they have contacted one of their commissioners and been put on the agenda by the commission. Mr. Jenkins stated that he believes the Planning committee requires that any public speakers must call to be placed on the agenda a week beforehand. Mr. Lyons asked for this to be placed on the agenda tonight because he would like to have the ability to stop the yielding of time from the gallery or audience. He feels like it is getting out of hand, it throws the meeting off and slows down the business of the committee. Mr. Johnson stated that anyone who is not on the agenda does not have minutes to yield. Dr. Acuff requests that if someone wants to speak at the commission, they should have to give at least 24 hours' notice. This would help the chairman in planning his agenda and allowing time for speakers. Mr. Lyons also asked if he needs to give a commissioner time to ask public speakers questions. Mr. Lyons wants it to be in the rules that he can say no more yielding, as far as the public comments. Mr. Jenkins stated that the procedures will have to go to the full commission for approval. Mr. Hill reminded that there was a time that public comment was not part of the full commission meetings. Public comments were allowed in the committee meetings. If public comments were to be cut out of the full commission and placed into the committee meetings, then the committees could invite speakers to the commission meetings, and they could be placed on the agenda. This would be your filter. Mr. Johnson stated that at one time you couldn't gain the

floor for comment if the commissioner from your district didn't ask the chair to recognize you for comment. Mr. Jaynes made a motion that an amendment be made to the current rule that there will be no more yielding of time and that they need to be on the agenda within 48 hours in advance of the meeting. Ms. Holdren's concerns are, no more yielding and when someone refuses to quiet at the 5-minute mark, rules state that that person be removed. With no second on the motion from Mr. Jaynes, Mr. Jenkins asked for a new motion. Mr. Jaynes amended his motion that the rule should state that there will be no more yielding of time. Ms. Holdren suggests that a timer be put on the screen so the speaker will know when time is up. Mike Hill second the motion. Ms. Holdren suggested that a reminder referencing rule 5-d be given, that a person can and will be removed from the gallery for disorderly conduct. Mr. Lyons commented that in 5-d, the commission and the Chair give warning about conduct before ejection from meeting. Mr. Jenkins said that he would have Attorney Hardin write this up and it could be approved at the next meeting. All members voted in favor of changing the rule to state that there is to be no yielding of time. The motion was unanimously approved.

VI. Old Business

a. Roll Call Pro demonstration (conference call)

A representative from Roll Call Pro remotely showed the committee how the new updated version of Roll Call Pro works and the new features that make it easier for the clerk and the commission to use. The updated version can be used by smart phones, computers, tablets and the old handheld box from the old version. The updated version will cost the county, \$3995 per year for the first 2 (two) years and \$1200 per year for each year after. They do have multi-year discounts, if you purchase 3 (three) years you get 2 years free. This would be a savings of \$2400. This comes with email and phone support. Mr. Jenkins suggests purchasing tablets for \$50/100 each. Mr. Johnson said that training on the tablets would have to be done.

Austin Jaynes made a motion to purchase 3 (three) years at the cost of \$9190 and get the 2 (two) years free. Robert Acuff second the motion.

Roll Call

Robert Acuff – Aye

Mike Hill – Aye

Brad Johnson – Aye

Austin Jaynes – Aye

Ginger Holdren – Aye

Randall Jenkins – Aye

Ray Lyons - Aye

Robin McKamey – Aye

All in favor, motion to purchase Roll Call Pro for a total of 5 (five) years at a cost of \$9190, unanimously passed.

b. Reapportionment Committee discussion

Moved to December's agenda.

VII. Adjournment

A motion was made to adjourn by Austin Jaynes, second by Mike Hill. The motion was unanimously approved. Meeting was adjourned at 10:35 pm.

CARTER COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS
RULES OF PROCEDURE

RULE 1

CONVENING OF THE BOARD

The Board shall meet in regular session at the Carter County Courthouse at 801 East Elk Avenue, Elizabethton, Tennessee on the third Monday of each month, unless the third Monday falls on a legal holiday, at which time the meeting shall be held on the next business day following said holiday. The meeting times shall be at 6:00 p.m. each month. Notification to the members of the regular meeting shall be by the Chair and/or County Clerk as prescribed by law. The regularly scheduled meetings of the commission shall be subject to cancellation from time to time at the discretion of the Chairman, with said cancellations being announced, if possible, at the commission meeting immediately preceding the meeting to be cancelled, whether in regular session or special called session. If there is a necessity for a special called meeting of the Board, the procedure for setting said meeting shall be as prescribed by law.

RULE 2

QUORUM

A quorum for the transaction of business shall be a majority of the duly-qualified and acting members of the Board of County Commissioners. Vacancies shall not be included in determining the current membership of the Board.

RULE 3

ORDER OF BUSINESS

The monthly agenda for the meeting of the Board shall be compiled by the Chairman and delivered to the County Clerk for distribution to all commissioners at least 5 days prior to each meeting.

X RULE 4

GENERAL PROCEDURAL RULES

X A. WHO MAY ADDRESS THE BOARD: It is a commissioner's right to address the Chairman and the Board at any appropriate time after the proper recognition by the Chairman. It may be allowable for non-commission individuals to address the Board. The Chairman shall first request if there is any member objection to the request. If there is an objection by any member of the board, the chair shall immediately take a vote to approve or disapprove the objection, with a majority vote of the members controlling. If

the objection is not approved, the non-commission individual shall be allowed to address the board; however, in their respective discretion, the Chairman or board may set a limit on time allowed.

All officials and staff must submit a request of the Chairman to place new matters on the agenda prior to the publication of the monthly agenda. Officials and staff are required to first present their information or request to the appropriate committee prior to the monthly meeting. The Chairman shall honor all appropriate requests of officials to be placed on the commission agenda. All Officials and staff who desire to address one or more new topics or concerns must submit a written report concerning the topic for inclusion in the packet, and the official or staff member shall confine his or her comments to written report submitted and questions by commissioners regarding the report. This rule shall not apply to matters regarding litigation or claims when the Board goes into closed session with legal counsel. Officials and staff may address any matter on the published agenda pursuant to Rule 4A.

- B. **GAINING THE FLOOR:** In all cases the member who shall first rise and/or raise his or her hand shall be recognized by the Chairman and entitled to speak first; but when two or more members shall request the floor at approximately the same time, the Chairman shall name the member who will speak first. When using electronic voting systems that have the capability to track members' request to speak, the Chairman shall follow the order of requests shown by the electronic system.
- C. **SPEAKING:** When any member is about to speak on debate, discussion or deliver an address on any matter whatsoever to the Board, after recognition by the Chairman the member shall rise, unless prevented by physical disability, and respectfully address the Chairman and shall proceed with intended remarks, confining such remarks strictly to the question or topic under debate and avoiding any personal attacks or criticisms of other members.
- D. **CONSENT TO YIELD:** While speaking, a member is not to be interrupted, except for a question by another member. If the speaker declines to yield the floor for a question, then the member shall not be interrupted, but shall yield to questions at the end of the presentation.
- E. **POINTS OF ORDER:** If any member, speaking or otherwise, transgresses the Rules of the Board, the Chairman shall, or any member may, call said member to order, in which case the member so called to order shall immediately sit down. When the point of order has been decided by the Chairman the member having the floor can proceed, subject to the decision made.
- F. **APPEAL ON RULING:** Any member of the Board may appeal to the full Board from the ruling of the Chairman and a majority vote of the members present shall decide the appeal.

RULE 5

RULES OF DECORUM

- A. **RULES APPLICABLE TO BOARD MEMBERS:** Members of the Board shall observe order and decorum during Board meetings. A member of the Board shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Board nor disturb any member while speaking nor refuse to obey the orders of the Chairman during a Board meeting.
- B. **RULES APPLICABLE TO OFFICIALS AND STAFF:** County officials and county staff shall observe the same rules of order and decorum applicable to the Board members.
- C. **DEFAMATORY AND THREATENING LANGUAGE PROHIBITED:** Any person(s) making personal, defamatory or profane remarks or who willfully utters loud, threatening, or abusive language or engages in any disorderly conduct which disturbs or disrupts the orderly conduct of any meeting shall be called to order by the Chairman. If such conduct continues, the Chairman, at his or her discretion, may order such person removed from that meeting by the appropriate law enforcement officials in attendance.
- D. **DISORDERLY CONDUCT:** No person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, shouting or other similar demonstrations which may disturb the peace and order of the Board meeting. All persons shall, at the request of the Chairman, immediately cease their active disturbance and be silent. If, after receiving a warning from the Chairman, a person persists in disturbing the meeting, the Chairman may order that person to leave the meeting. If he or she does not remove himself/herself, the Chairman may order the appropriate law enforcement officials in attendance to remove the person from the meeting.

RULE 6

MOTIONS

- A. **GENERAL:** Motions shall generally be limited to matters of Board organization, approval of minutes and other matters where Resolutions are not required such as budget amendment approvals, etc. Other oral Motions may be made and entertained at the discretion of the Chairman.
- B. **INTRODUCTION OF A DEBATE:** Motions may only be made by members. No motion shall be debated until the same is seconded and stated by the Chairman unless the Motion does not require a second according to Robert's Rules of Order.
- C. **MOTIONS IN WRITING:** When a motion is made and seconded, it shall be reduced to writing by the Clerk, and read by the Chairman prior to any vote.

D. **THE INTRODUCTION OF A MOTION:** There are three steps by which a motion is normally brought before the Board, which are as follows:

1. A commissioner makes the motion.
2. A commissioner seconds the motion.
3. The Chairman states the question on the motion.

When the Chairman has stated the question, the motion is pending, that is, "on the floor." It is then open to debate.

E. **THE CONSIDERATION OF A MOTION:** Once a motion has been brought before the Board, there are three further basic steps by which the motion is considered:

1. Commissioners debate the motion (unless no commissioner claims the floor for that purpose).
2. The Chair puts the question (that is, put to a vote).
3. The Chair then announces the result of the vote (or instructs the Clerk to reveal the vote).

F. **MAKING A MOTION:** To make a motion, a member must obtain the floor when no other question is pending and when business of the kind represented by the motion is in order. The member then makes a motion in simple cases by saying, "I move that, [announcing the proposal to become the commission's action]." To eliminate confusion related to motions, the Chairman shall have the right to require any motion or amendment to be clarified before he states the question.

G. **DEBATE:** The commissioner introducing a resolution or who makes a motion shall have the right to speak first in debate. No commissioner shall speak more than once to a pending motion or a resolution until the opportunity for all other commissioners to first speak on the issue has been exhausted.

H. **AMENDMENTS TO MOTIONS:** A motion may be amended from the floor by motion and second. The commissioner moving the amendment shall specifically propose the wording changes requested in the motion. The commissioner moving the amendment shall be allowed as a part of the motion process, to provide a brief rationale of the purpose for the amendment prior to receiving a second. However, only after a second is received, will full discussion of the amendment be allowed. The commissioner proposing the amendment may obtain acceptance of the member or committee bringing the original motion and the motion may be put to a vote as amended if acceptance is given. If the amendment is not accepted, the proposed amendment shall be voted on separately from the original motion. If the amendment is approved, the original motion shall then be considered for approval as amended.

- I. **REQUIRING ROLL CALL:** Motions shall be put to the Board for a voice vote by the Chairman, unless the law or the Board's rules requires a roll call. However, any three members of the Board may require a roll call vote by addressing the Chairman as appropriate. The Chairman is also vested with the discretion to require a roll call vote.

FREQUENTLY USED MOTIONS

- J. **MOTION TO POSTPONE TO A CERTAIN TIME:** The subsidiary motion to postpone to a certain time is a motion by which action on a pending question is put off, within limits, to a definite day or meeting. The question cannot be postponed beyond the next regular meeting of the Board. An affirmative vote on the motion to postpone to a certain time can be reconsidered. The motion is debatable and a majority vote is required for adoption.
- K. **MOTION TO AMEND:** The subsidiary motion to amend is a motion to modify the wording, and within certain limits the meaning, of a pending motion before the pending motion itself is acted upon. The amendment must be germane to the question, must not be frivolous, and cannot leave the motion with incoherent wording. The motion is debatable and a majority vote is required for adoption.
- L. **MOTION TO COMMIT OR REFER:** The motion to commit or refer is generally used to send a pending question back to a committee so that the question may be carefully investigated and put into better condition for the Board to consider. The motion is debatable and a majority vote is required for adoption.
- M. **MOTION FOR PREVIOUS QUESTION:** The previous question is the motion used to bring the Board to an immediate vote on one or more pending questions. A commissioner making the motion can move the previous question on a pending amendment to a motion or the amendment and motion. When the motion is not qualified, the motion will apply only to the immediately pending question. The motion is not debatable and requires a two-thirds vote.
- N. **MOTION TO LAY ON THE TABLE:** The motion to lay on the table enables the Board to lay the pending question aside temporarily to be considered later at the same meeting when something else has immediate urgency. This motion is often misused as a motion to delay a vote to a subsequent meeting when the more appropriate motion to is to postpone to a certain time. The motion is not debatable and requires a majority vote.
- O. **MOTION TO TAKE FROM THE TABLE:** After a question has been laid on the table, it can be taken from the table by a majority vote as soon as the interrupting business is disposed of and whenever no question is pending. Any commissioner can move to take a question from the table. The motion is not debatable and requires a majority vote.
- P. **MOTION TO RECONSIDER:** A motion to reconsider enables a majority of the Board, within the same meeting, to bring back for further consideration a motion which has already been voted on. It can only be made by a commissioner who voted with the prevailing side.

RULE 7

RESOLUTIONS

- A. **GENERAL:** For more complex questions, when greater formality is desired or when required by law, a motion should be presented in the form of a written resolution. No resolution shall be transacted unless such resolution appears upon the agenda and has a committee chairman's signature certifying that his or her committee has reviewed and approved the resolution to be placed on the agenda of the meeting and members of the Board have received the agenda of the meeting within the time specified herein. By consent of a two-thirds majority of the members of the Board, this provision may be dispensed with so that any resolution may be considered on the agenda.

If the Board elects to use electronic devices for its membership, publication to the Board will be considered accomplished if the resolution or matter is electronically transmitted to the Board by 5 p.m. on the Friday preceding a regular Monday meeting, or 48 hours prior to a special meeting.

- B. **PREPARATION OF RESOLUTIONS:** A resolution must be prepared, or at a minimum reviewed, by the County Attorney prior to its adoption by the Board. Generally, only county office holders or committee chairman may request the County Attorney to prepare resolutions. The County Attorney and/or committee chairman must inform the Board Chairman of any resolution request. A member seeking to introduce a resolution should, if possible, first present the member's request to the appropriate committee for consideration and referral to the County Attorney. If the member is unsure which committee he or she should present their request to, he or she should seek the guidance of the Board Chairman or County Attorney. A written resolution must be prepared in advance of Board meetings, preferably by the County Attorney. The appropriate information to draft the resolution should be provided to the County Attorney at least one (1) week in advance of the deadline for inclusion in the commissioner's packets if possible.

- C. **INTRODUCTION:** Any proposed resolution may be introduced by a member of the Board, by a committee chairman as part of a committee report, or by designation on the meeting agenda. The Clerk or Chairman shall not receive or file any resolution that is not reduced to writing. Resolutions or recommendations from boards, committees, or commissions established pursuant to provisions of statutory law may not be subject to the requirements of this paragraph. Advisory or study committees created by county officials must present proposals directly to a standing committee of the Board prior to action by the Board. Written resolutions shall not be required to be read aloud verbatim in the meeting. Instead the County Attorney shall read the title aloud, summarize the contents of the Resolution and answer any questions. For the purpose of answering questions the committee chairman, sponsor or relevant officeholder to whom the resolution pertains may be called upon for assistance.

- D. **RESOLUTIONS SHOULD BE GERMANE OR RELEVANT TO COUNTY MATTERS:** The business of the Board shall be confined to public health, safety, and welfare of the citizens of Carter County. The agenda and resolutions of the Board of County Commissioners is not an appropriate forum to make political statements regarding federal, state and other jurisdictions actions that do not directly affect county government. Upon motion of a Board member and a majority vote of the Board, a resolution shall be removed from the agenda as lacking germaneness or relevance to county government or its operations. Upon adoption of this motion the resolution shall not be spread upon the minutes of the Board of County Commissioners.
- E. **ROLL CALL VOTE:** Resolutions shall be put to the Board for a vote. The Chairman will call for the members to indicate their support for or against the resolution's adoption. When a roll call vote is taken, each commissioner shall vote in a manner that indicates support for or against the resolution when the Clerk calls for the votes to be cast. If a member elects not to vote, he or she may abstain. Members abstaining due to a conflict of interest must state the abstention relates to a conflict, which abstention shall be entered onto the minutes as "Abstaining for Cause", and said member shall not be counted for the purposes of calculating quorum or majority. If no electronic voting system is utilized at a particular meeting, a commissioner who is not ready to vote may "pass" and be called on again after the roll has been completely called. If the Board elects to utilize an electronic voting system, the Chairman will not close the vote until all members have voted, or at least two minutes have passed since the Chairman opened the matter for vote, whichever occurs earlier. The Chairman may extend the voting time in his or her discretion, but will announce that the closing of the vote prior to the actual closing of the vote.
- F. **CHANGING VOTE:** Any commissioner may change his or her vote before the results of a roll call vote are announced by the Clerk. It shall be the duty of the Clerk, at the end of each roll call, to inquire of those who passed or were absent when the roll was called if they desire to vote and also if anyone who has voted desires to change his or her vote. If the Board is voting electronically, each member shall vote as desired prior to the closing of the vote by the Chairman. If any member desires to change their vote before the votes are revealed, he or she shall alert the Chairman prior to the closing of the voting period.
- G. **SUCCESSFUL RESOLUTIONS:** All successful resolutions shall be submitted to the Chairman for the Chairman's signature, attested by the signature of the Clerk and approved as to form by the signature of the County Attorney. If the Chairman is not the County Mayor, then those Resolutions subject to the County Mayor's veto authority, with the vote of the members indicated, shall then be submitted to the County Mayor, within five days of the passage, for consideration by the County Mayor.

RULE 8

APPROPRIATIONS AND/OR BUDGET AMENDMENT REQUESTS

Requests for new appropriations and/or budget amendments shall be submitted as follows:

- A. The request as presented, shall be submitted in writing to the appropriate committee of the Board and then to the Budget Committee and shall reflect the estimated cost which shall be attached to the proposal.
- B. The Budget Committee shall in open meeting of the Board, assume one of the following positions: (1) Adoption recommended (2) Rejection recommended; (3) Submitted to the Board without recommendations; or (4) The committee may report that it needs more time to develop its recommendation, to include an estimate of when the committee proposes to make its recommendation.
- C. All requests for appropriations shall be summarized and submitted in writing to each member of the Board at least five business days prior to the regular or called meeting at which such request is to be considered.
- D. The Finance Director shall advise the Board as to fund availability before a vote is taken on appropriations in any amount which are in addition to those of the annual budget.
- E. The motion/resolution requesting appropriations and/or budget amendments shall be voted upon by the membership of the Board as provided by these rules.

RULE 9

ELECTIONS AND APPOINTMENTS

- A. **ELECTIONS AND NOMINATIONS FROM THE FLOOR:** When the Chairman is to receive nominations from the floor; a member may nominate only one person. The floor will be kept open until every member has an opportunity to make nominations or until a motion has been made and seconded that nominations cease and a majority of those present so vote.
- B. **APPOINTMENTS AND CONFIRMATIONS:** When the Board is called upon to appoint someone from a list of nominees (such as a county medical examiner) or to confirm an appointee of the County Mayor (such as department head) then the name or names of those being considered for the position shall be read to the membership and discussion for each such appointee shall follow.
- C. **ELECTION OR CONFIRMATION:** All ballots for confirmation shall be cast by voice vote, roll call vote or electronic vote for or against the appointee to be confirmed. If the vote is for selection from among multiple nominated applicants, each member shall indicate either orally or electronically for which applicant(s) he or she is voting. A majority of the membership of the full Board is required for election or confirmation.

- D. **SECOND BALLOT:** If no one is elected on a given ballot, the nominee receiving the smallest number of votes will be dropped and the ballot will be cast again until a nominee is elected by the required majority of the membership. All votes shall be public and cast either orally or electronically utilizing the approved electronic voting equipment.

RULE 10

COMMITTEES

- A. **COMMITTEE MEETINGS OPEN TO THE PUBLIC:** All committee meetings shall be open to the public. All recommendations and actions shall be reduced to a written report in official minutes for submission to the Board. Only duly-elected members of the committee may be recognized by the committee. However, non-members of the committee, upon request of a committee member and an affirmative majority vote of the committee members present, may address the committee. The committee chairman may also, in his or her discretion, permit public comments at the committee meeting.
- B. **COMMITTEE CHAIR AND AGENDA:** The committee chairman is in charge of the committee meeting and may enforce the same rules of decorum as are applicable at a meeting of the full Board. The committee chairman shall notify the Chairman of the Board of County Commissioners and the County Clerk of major matters to be reported to the Board and addressed at the next regular or special called meeting of the Board. This must be done in time for the Board Chairman to include the same on the agenda.
- C. **COMMITTEE AUTHORITY:** The role and jurisdiction of a committee, other than as required by law, is to investigate and study matters, provide information, and present recommendations to the Board concerning those topics and business as delegated to the committee by these rules or by the Board of County Commissioners. Any request or recommendation by the committee to the full Board must be adopted by a majority of the committee.
- D. **VACANCIES ON COMMITTEES:** Should one or more members of the committee resign the member's position, the Board shall fill those vacancies in the same manner as the original members. When a vacancy on the Board of County Commissioners occurs, the member's replacement on the Board shall automatically assume the vacancies on any standing committee created by the former member's vacancy.
- E. **REPORT AND REFERRALS:** The committee to which a request for action or further study has been referred shall make a report at the next regular meeting after its referral unless the Board has specified otherwise in its request. It is the responsibility of the chairman of the committee to ensure the placement of the matter on the agenda.
- F. **RESOLUTIONS:** Upon a committee adopting a request for the County Attorney to prepare a resolution, the committee chairman or his/her designee shall notify the County Attorney to prepare the appropriate resolution for consideration by the committee or Board. The County Attorney or committee chair must notify the Board Chairman of any

committee request for a resolution. If the Chairman of the Board of County Commissioners becomes aware of any action by a committee that must be reduced to resolution form for presentment to the Board, the Chairman will notify the County Attorney and County Clerk as appropriate.

G. **SPECIAL MEETINGS:** If for any reason a special called meeting of a committee becomes necessary, the chairman of said committee, two members of a three-member committee, or any three members of a larger committee may call said meeting. The meeting must be properly advertised in advance and may only pertain to the advertised purpose of the meeting.

H. **COMMISSIONER COMPENSATION:**

1. The compensation paid to each Carter County Commissioner for his or her attendance at a meeting of the full Board of County Commissioners for Carter County shall be fixed at one hundred dollars (\$100.00). However, if a commissioner fails to remain at the meeting until it is finally adjourned, the amount of compensation received by said commissioner shall be reduced to the state minimum amount for attendance at said meeting.
2. The compensation paid to each Carter County Commissioner for his or her attendance at each duly authorized committee meeting, or each grouping of standing committee meetings which occur consecutively on the same date at the same location, shall be fixed at fifty dollars (\$50.00).

RULE 10A

STANDING COMMITTEES

A. The following standing committees shall apply:

1. Budget; Nominating
2. Rules & Bylaws; Buildings & Grounds; Law Enforcement; Health & Welfare
3. Education; Highway; Solid Waste/Landfill

B. Election to the standing committees shall be governed by the following process:

1. Each commissioner must submit a request indicating on which committees they would prefer to serve, and may submit a resume and/or written credentials along with their request. These materials shall be turned in to the County Clerk prior to the September meeting of the full Board of County Commissioners each year and distributed to all commissioners prior to that meeting.
2. At the September meeting of the full Board of County Commissioners each year each commissioner will have the opportunity to address the commissioners in their district and the full Board to advocate for placement on their chosen

committee(s). A vote shall be taken among the three commissioners in each district to determine the committee(s) on which they will serve with the majority vote among them prevailing. However, the decision of the three commissioners within each district must be confirmed by majority vote of the full Board. If no agreement can be reached among the three commissioners in a particular district, or if no majority vote of the full Board can be reached to confirm their decision, the full Board shall recommend and vote on the committee appointments within said district.

- C. **COMMITTEE STRUCTURE:** Each committee shall meet in October of each year and elect from its membership a chairman and vice-chairman. The election of Secretary shall be optional in the absence of a specific mandate of the Board. However, meeting minutes must be reduced to writing and provided to the full Board each month.
- D. **COMMITTEE MEETING SCHEDULE:** At the November committee meetings of every year each committee chairman shall schedule the meeting dates for all of the following year's regular committee meetings and turn the dates in to the Chairman of the Rules & Bylaws Committee by December 1st so that all scheduling conflicts may be resolved.
- E. **PRESENTATIONS TO THE BOARD:** The committee chairman shall report to and confer with the Board Chairman on all pertinent matters to be presented at the next meeting of the full Board.
- F. **LEGAL COUNSEL:** The chairman of each committee shall consult with the County Attorney on matters appearing to warrant legal evaluation prior to presentation to the Board.
- G. **JURISDICTION:** Should questions arise as to jurisdiction of any committee, it shall be referred to the Board Chairman and/or to the County Attorney for determination, subject to an appeal to the Board at its next regular meeting.
- H. **BOARD PRESENTATIONS:** The following procedure shall be followed pertinent to committee reports and related action:
 - 1. The committee chairman or a member designated by the chairman shall make the presentation in an open meeting of the Board.
 - 2. Upon completion of a report the speaker shall yield to questions.
 - 3. There shall be a vote on any committee resolutions when debate is complete and when there is a call for the question by the Board.
- I. **CALL OF COMMITTEE:** If for any reason the chairman of a committee fails or refuses to call a regular meeting, the Chairman of the Board of County Commissioners, or a majority of the committee members may do so.

J. **BUDGET COMMITTEE:** Budget matters shall be referred to the County Budget Committee as provided for by the Financial Management Act of 1981.

K. **COMMITTEE REPORTS:** Committees will prepare written reports of committee meetings.

1. **CONTENT OF REPORT:** Committee reports will consist, primarily, of three parts: 1) a summary of important work done, 2) information gathered, and 3) recommendations. In any committee report, specific recommendations for action by the Board of County Commissioners should be grouped at the end of the report. Recommendations for action should be transmitted to the County Attorney for the drafting of a resolution for inclusion in the committee's report if necessary.
2. **PRESENTATION AND RECEPTION OF REPORTS:** Committee reports are presented by the chairman of the committee, the secretary, or another of its members acting as a reporting member. The reporting member makes or presents a report. When the Board of County Commissioners hears the report, either read or orally rendered, it receives the report. The Clerk will include the report in the minutes of the Board of County Commissioners.
3. **DISPOSITION OF REPORTS:** After the reading of the report, the reporting member moves the adoption of any resolutions included in it, which should be grouped or repeated at the end of the report.

L. **COMMISSIONER SUBSTITUTION POLICY:** In order for a Commissioner to attend individual committee meetings in substitution for a fellow Commissioner who will be absent from a committee meeting the following process shall be followed:

1. If any Commissioner will be absent from an assigned committee meeting, he or she shall request a fellow Commissioner from the same district to attend the meeting in their absence. If said Commissioner agrees to attend the meeting, the Commissioner who plans to be absent must attempt to notify the chairman of the affected committee of the substitution at least twenty four (24) hours in advance of the meeting, unless the absence is due to an emergency.
2. It is the responsibility of the Commissioner who plans to be absent to provide any information in his or her possession to assist the substitute Commissioner in preparation for the meeting. The Commissioner who plans to be absent should also ensure that the chairman of the affected committee has the contact information of the substitute Commissioner. This will permit the chairman to arrange for the delivery of any materials relevant to the meeting to the substitute Commissioner and allow ample time for the substitute Commissioner to obtain and review said materials in order to effectively participate in the meeting.
3. Once a committee meeting has begun, no Commissioner may take the place of another Commissioner who was present at the beginning of the meeting.

4. The Commissioner who actually attends the meeting shall be compensated for that meeting according to the current effective pay structure of the Board of County Commissioners at the time of the meeting. A Commissioner shall not receive pay for any meeting from which he or she was absent.
5. If the procedure outlined herein is not followed, no Commissioner shall be permitted to fill the vacant seat of an absent Commissioner at any committee meeting unless a majority vote of the committee members is reached to allow the Commissioner to take the place of the absent Commissioner.

M. **COMMISSIONER ABSENCES FROM COMMITTEE MEETINGS:**

1. If a Commissioner fails to attend, or is unable to attend, an assigned committee meeting for an extended period of time (at least three (3) consecutive months) due to an extended illness, conflicting employment, or dereliction of duty, said Commissioner may be replaced on the committee in question by another Commissioner from the same district.
2. The chairman of the committee in question shall notify the Board of County Commissioners of the violation of this rule during his or her monthly committee report and the full Board of County Commissioners may appoint a willing replacement Commissioner from the same district by majority vote.
3. If a replacement is made on a committee pursuant to this rule, the replacement shall remain in effect for the remainder of the normal cycle for committee appointments in effect at the time.

RULE 11

THE CHAIRMAN

- A. **ELECTION:** Annually, at its regular September meeting the Board shall elect a Chairman and Chair Pro Tempore (Vice Chairman). The Chairman may be one of the members of the Board or the County Mayor. Upon his election and acceptance of the position of Chairman, the County Mayor shall relinquish the County Mayor's veto power, for so long as the County Mayor remains Chairman of the Board.
- B. **VOTING BY THE CHAIRMAN:** The Chairman may vote only when authorized by law.
- C. **CALL TO ORDER:** The Board shall be called to order by the Chairman. In the absence of the Chairman, the Vice Chairman shall preside. In the absence of the Vice Chairman, the Board shall be called to order by the County Clerk, and shall elect one of its members to preside over deliberations.
- D. **SPEAKING:** Should the Chairman desire to speak upon any subject either in the negative or the affirmative, the Chairman may do so, provided he/she vacates the Chair, whereupon the Vice Chairman shall preside until the matter under consideration is

disposed of by the Board. However, the Chairman may answer questions, provide information, and give explanations from the chair, the Board not objecting.

- E. **PRESERVE ORDER:** The Chairman shall preserve order and decorum. The Chairman may speak to points of order in preference to other members, rising from the Chair's seat for that purpose. The Chairman shall decide questions of order, subject to an appeal to the Board of any members.
- F. **ORDER OF RECOGNITION:** Before a member is allowed to speak twice on the same subject, the Chairman shall inquire if there is another member who has not spoken on the pending subject and who wishes to speak.
- G. **MOTIONS:** Once a motion has been made and duly seconded, the Chairman shall state the motion before debate on the motion may begin.
- H. **CLARIFICATION:** The Chairman shall clearly state a pending question to the Board before the vote on the question is taken. A member may ask for clarification of the question up until the result of the vote is announced.

RULE 12

THE CLERK

- A. **MINUTES:** The Clerk shall reduce the minutes of each Board meeting to writing and attach a copy of each resolution considered and the vote thereon. The minutes shall be prepared after each meeting, and before the next scheduled meeting, and shall be placed in a well-bound book for public inspection. A copy of the minutes of the last meeting shall be forwarded to each board member with the prepared agenda or meeting notice. If the Board utilizes electronic voting, the vote of each member shall be indicated in the minutes.
- B. **ROLL CALL:** In all instances involving the appropriation of public funds, the Clerk shall call the roll for "yes" or "no" votes, or the approved electronic voting equipment shall be used to record and publicly display each member's vote. In all such instances the Clerk shall make such roll call and the vote of each member a part of the record of the meeting and include it in the official minutes.
- C. **CHANGE OF VOTE:** It shall be the duty of the Clerk, at the end of each roll call, to inquire of those who passed or were absent when the roll was called to determine if any member desires to vote or if any member who has voted desires to change his vote. Subsequently, the Clerk shall provide the results to the Chair, who will announce the results. If electronic voting equipment is utilized for any vote, members must vote, if so desired, before the closing of the voting period by the Chairman.

RULE 13

COUNTY ATTORNEY AND PARLIAMENTARIAN

- A. COUNTY ATTORNEY: The County Attorney shall attend all meetings of the Board and prepare resolutions for action by the Board and respond to questions of the Board as well as perform such other duties as the Board or County Mayor require.
- B. PARLIAMENTARIAN: The Board may elect a Parliamentarian who shall attend all meetings and advise the Board on parliamentary questions and shall be paid the same sum as members of the Board. Board members shall be ineligible to serve as Parliamentarian. In the Parliamentarian's absence, or if one is not chosen, the County Attorney shall advise the Board on parliamentary procedure.

RULE 14

SUSPENDING THE RULES

Any rule may be suspended by a two-thirds majority vote of the members of the Board of County Commissioners as long as compliant with any applicable state law and/or private act.

RULE 15

ROBERT'S RULES OF ORDER

All matters not covered herein shall be governed by Robert's Rules of Order as contained in the latest copyrighted edition.

RULE 16

CONFLICTS OF INTEREST

Pursuant to Public Chapter 1072, as subsequently codified at Tenn. Code Ann. § 5-5-112, a county commissioner who is also an employee of the county or whose spouse is an employee of the county may not vote on matters about which they have a conflict of interest. A conflict of interest exists if the matter voted on, if approved, would increase the pay or benefits of the commissioner or the commissioner's spouse. However, this shall not prevent any commissioner from voting on the budget resolution, appropriation resolution, tax rate resolution or any amendments thereto, unless the vote is on a specific amendment to the budget or a specific appropriation or resolution in which the member has a conflict of interest.

If a vote is made by a commissioner despite a conflict of interest it is void if challenged in the same meeting before any further business is transacted.

RULE 17

CONFLICT WITH LAW

In the event any of the foregoing rules are determined to be in conflict with state statutory provisions and/or a private act of Carter County, that part in conflict shall be null and void, but the remaining unaffected provisions shall remain in full force and effect.

RULE 18

AMENDMENT OF RULES

These rules may be altered, amended, or repealed by the Board of County Commissioners only after the suggested change or modification is presented in writing at a regular meeting of the Board for consideration, at which time it shall be voted on and a two-thirds majority is required for approval of such change or modification. Clerical defects, spelling, punctuation and other minor alternations may be made if identified and a proposal is adopted by a majority of the Board. New rules, not affecting a current rule, may be added by a majority vote of the full Board. Rule additions, deletions or modifications may be acted upon only at regular meetings. Nothing herein shall be construed to in any way affect the right of the Board to suspend any of these rules upon a 2/3 majority vote, as long as the action taken is in compliance with any applicable state statutory provisions and/or private act of Carter County.

Originally adopted the 21st day of March, 2016 by a 2/3 majority vote.
As amended through the February, 2019 session.

CARTER COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS

APPROVED:

By: Ray Lyons
RAY LYONS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTEST:

Mary Gouge
MARY GOUGE
CARTER COUNTY CLERK

APPROVED AS TO FORM:

Joshua A. Hardin
JOSHUA A. HARDIN
CARTER COUNTY ATTORNEY