

# **RUTHERFORD COUNTY BOARD OF COMMISSIONERS**

## **RULES AND REGULATIONS**

ADOPTED: July 11, 1955

AMENDED: July 9, 1968  
January 13, 1969  
October 9, 1972  
July 19, 1976  
September 11, 1978  
February 12, 1979  
August 10, 1981  
June 13, 1988  
June 11, 1990  
June 27, 1991  
October 9, 1995  
December 12, 1996  
August 14, 1997  
May 14, 1998  
November 12, 1998  
October 12, 2000  
December 14, 2000  
September 16, 2010  
April 5, 2011  
January 15, 2015  
September 13, 2018  
December 12, 2019  
June 16, 2022  
February 26, 2023  
November 16, 2023

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## RULE I

### THE BOARD

- A. CONVENING LEGISLATIVE BODY – The County Board of Commissioners (hereafter “Commission”) shall convene as follows:

All meetings shall convene at such time and on such days as advertised by public notice with meetings to be held in the Rutherford County Courthouse.

- B. QUORUM – A quorum for the transaction of business shall be a majority of the duly qualified and acting members of the Commission and where a vacancy or vacancies exist in the Commission, the same shall not be included in determining the membership of such Commission.
- C. SPEAKING – When any member is about to speak in debate or deliver any matter whatsoever to the Commission he/she shall rise and respectfully address himself/herself to the “Chairman”, and shall after he/she is recognized by the Chairman, proceed in his/her remarks, confining himself/herself strictly to the question under debate and avoiding all personalities. No member shall speak more than once on the same subject until every other member has had an opportunity to speak.
- D. GAINING THE FLOOR – In all cases, the member who shall first rise and address the Chairman shall be entitled to speak first, but when two or more members shall rise and address the Chairman at the same time, the Chairman shall name the member who shall speak first.
- E. WHO MAY ADDRESS THE CHAIRMAN – (The presiding officer) No one may address the Chairman except a member of the Commission.
- F. POINTS OF ORDER – If any member, speaking or otherwise, transgress the rules of the Commission, the Chairman shall, or any member, may call him/her to order, in which case the member so called to order shall immediately sit down, when the point of order shall be at once decided by the Chairman, subject to an appeal to the Commission. After the decision is rendered, the member having the floor can proceed, subject to the decision made.
- G. APPEAL ON RULINGS – Any member of the Commission may appeal to the Commission from any ruling of the Chairman, and a majority of the members present shall decide the appeal.

## H. MOTIONS

1. DEBATING MOTIONS – No motion shall be debated until the same is seconded and stated by the Chairman.
  2. MOTIONS DURING VOTE – When, by order of the Commission, the Chairman has risen to submit a question, and when there is a call for the Ayes and Nays, or a count of the Commission, no motion shall be in order until the decision of the Commission is declared by the Chairman. At all other times, a motion for adjournment has been transacted since the last motion to adjourn.
  3. VOTING PROCEDURE – Any motion may be put to the Board for vote by such means as the Chairman may determine, provided, however, that any one member of the Board may require an individual vote recorded for each member, otherwise referred to as a roll call vote, utilizing such roll call means as the Chairman may determine in the Chairman's discretion including but not limited to a call of the roll for Aye and Nay votes, a vote by voting machine tabulating each individual member's vote, standing in place, the raising of hand, or otherwise. On all appropriations, the Clerk shall provide for a roll call vote the means of said roll call vote being determined by the Chairman.
  4. MOTION TO TABLE – In order to avoid confusion, no motion to table a resolution, motion or other proposed action shall be in order.
  5. MOTION TO DEFER – In order to consider any motion, a motion to defer shall be in order; provided, however, that any adopted motion to defer shall specify when the motion shall be reconsidered, and that any deferral shall not exceed two (2) consecutive regularly scheduled Commission meetings. When the motion which is the subject of the deferral is again considered by the Board, it shall not be subject to any further or other motion to defer and shall be acted upon by the Board.
- I. MEMBERS MAY NOT CHANGE VOTE – When the Clerk has commenced the call of the roll (individually or collectively via a voting machine), no member of the Board shall be permitted to change his/her vote. The vote of said member shall be binding upon said member at the time it is cast. It shall be the duty of the Clerk at the end of each roll call to announce the results of the vote.
- J. RECONSIDERATION OF QUESTION – When a question has been put to a vote, it shall be for any member of the prevailing side to move for reconsideration at any time during the meeting and prior to adjournment.

- K. CONSENT TO YIELD – While a member of the Commission is speaking, he/she shall not be interrupted except for question by a member if the speaker consents to yield. If the speaker declines to yield, he/she shall not be interrupted but shall yield to questions at the end of his/her presentation.
- L. PUBLIC – Members of the public may address the Commission by a majority vote of the Commission members present. The Commission may set a limit on the period such a person is allowed to speak, if the Commission does not do so the Chairman shall have the authority to limit the speaker to a reasonable time. It is recommended, however, that such a person make every effort possible to appear before the appropriate committee of the Commission before asking for the privilege to address the Commission.
- M. APPROPRIATION REQUESTS – Any and all appropriations not contained in the appropriate budget except bond issues in excess of \$1,000.00 to be issued or approved must be filed in quadruplicate, the original with the County Clerk, and copies to the County Mayor, the Chairman of the Budget & Finance Committee and the Director of Accounts & Budgets at least by the first day of the month prior to the meeting of the Commission. The County Mayor shall place all such appropriation requests on the agenda and shall mail to each Commission member along with the notice calling the next Legislative Body meeting.
- N. AMENDING OR SUSPENDING RULES – These rules may be amended at any time by the Commission while in regular session by a majority of the qualified and acting members of the Commission. In the consideration of any matter, any or all these rules may be suspended by a majority of the qualified and acting members of the Commission.
- O. 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 II

### CHAIRMAN AND CHAIRMAN PRO TEMPORE

- A. CHAIRMAN – Should the Chairman of the Commission desire to speak upon any subject either in the negative or affirmative he/she may do so, provided he/she vacates the chair. Whereupon the Chairman pro-tem shall preside until the matter under consideration is disposed of by the Commission. However, the Chairman may answer questions, provide information, and give explanations from the Chairman, the Commission not objecting.
- B. CALL TO ORDER – The Commission shall be called to order by the Chairman. In the absence of the Chairman, the Chairman pro-tem shall preside. In the absence of the Chairman pro-tem, the Commission shall be called to order by the County Clerk, and he/she shall elect one of its members to preside over deliberations.
- C. QUESTIONS OF ORDER – The Chairman shall preserve order and decorum; he/she may speak to points of order in preference to other members. He/she shall decide questions of order, subject to appeal to the Commission by any member.
- D. CHAIRMAN – If the Commission elects a County Commissioner as its Chairman, then such Commissioner may serve on up to two (2) Standing Committees to which he or she is elected pursuant to Rule VIII.A. and shall also receive committee pay for serving on and attending the meetings of such Standing Committee(s). Said Commissioner, as Chairman of the Commission, shall also serve on all other Standing Committees to which he or she is not so elected in an ex-officio capacity only and shall receive committee pay for serving on and attending the meetings of such other Standing Committees. Said Commissioner shall not serve as chairman of any Standing Committee. If the Commission elects the County Mayor as the Chairman of the Commission, the County Mayor shall not serve on any committee except in an ex-officio capacity and shall not receive committee pay.
- E. CHAIRMAN PRO TEMPORE – The Chairman Pro Tempore shall:
  - 1. Be an ex-officio member on the Standing Committees outlined in Rule VII.
  - 2. Review the County Commission agenda presented by the Chairman.
  - 3. Review County Commission minutes and present said minutes to the Commission.

4. Receive Committee assignment request forms and present a recommendation for Committee assignments to the Chairman of the Steering Committee for consideration during the Committee nomination outlined in Rule VIII.H.1.
5. Call newly elected Standing Committee Members to order for the respective Standing Committees at the September County Commission Meeting each year and conduct the nomination process for election of the Chairman for each Standing Committee.

### RULE III

#### GENERAL

- A. AGENDA – Standing Committee Chairmen should notify the Chairman of the major matters to be reported to the Commission not later than Monday prior to the next Commission meeting, and items reported shall be included on the agenda. Except for budgetary items and emergency situations, any member desiring action upon or consideration of an item not on the agenda or not previously considered by the appropriate Standing Committee must obtain approval by a majority of the qualified and acting members of the Commission before such item may be considered.
- B. AGENDA TO NEWS MEDIA – A copy of the agenda and notice calling each Commission meeting shall be sent (mail, e-mail, or fax) to all licensed commercial radio and television stations in Rutherford County and one copy to all newspapers published in Rutherford County.
- C. MINUTES OF COMMITTEE MEETINGS – The County Mayor shall keep a file of all the committee meeting minutes for a period of no less than two (2) years.
- D. AGENDA TO COMMISSION – A copy of the agenda of each Commission meeting shall be sent (mail, e-mail, or fax) to the Commission members in advance of the meeting date.
- E. SECRETARIAL ASSISTANCE – The County Mayor shall, upon request, provide secretarial assistance to the Committees of the Commission during the regularly scheduled hours of the County Mayor's Office.
- F. FILLING COMMISSIONER UNEXPIRED TERM – In the event a duly elected Commissioner is unable or unwilling for whatever reason to serve until the expiration of his/her elected term whether by resignation, death, etc. applications will be accepted by the Steering Committee pursuant to its rules regarding acceptance of applications for appointments with a recommendation by the Steering Committee to the Commission with the Commission to appoint an individual to serve until such time as required by statute or other rule of law.
- G. CONSENT AGENDA – For matters considered routine by the Commission Chairman, the Consent Agenda authorizes the Commission Chairman to designate matters to be considered and acted upon by the Commission which matters shall be voted upon as one item without division except as provided hereafter. All Commissioner votes on the Consent Agenda shall be individually recorded, either by roll call of the Clerk or in electronic format. The Commission Chairman has the exclusive authority to determine



which matters are placed on the Consent Agenda. Should any Commissioner desire to have a matter removed from the Consent Agenda and considered as a separate item by the County Commission, said Commissioner shall announce the same in advance of any vote on the Consent Agenda and such item shall be removed and considered separately by the Commission under one of the appropriate Standing Committee reports to the Commission as determined by the Chairman. The Consent Agenda shall be placed on the County Commission agenda immediately preceding any Standing Committee matters, reports or votes.

## RULE IV

### MINUTES

- A. LEGISLATIVE DIGEST OF THE COMMISSION – The County Clerk shall compose a digest of each meeting and distribute not later than five (5) working days after the meeting. The digest shall be distributed as follows:
1. One (1) copy to each Commission member.
  2. One (1) copy to each County office department and/or Commission head.
  3. One (1) copy to all public libraries in Rutherford County.
  4. One (1) copy upon request to all public school and university libraries that employ a trained librarian and maintain a reference shelf where the minutes will be kept permanently in the school building, and not be allowed to be removed from the library.
  5. One (1) copy upon request to all licensed and operating commercial radio and television stations.
  6. One (1) copy upon request to all newspapers published in Rutherford County for sale and distribution to the general public.
- B. MINUTES OF THE COMMISSION – The County Clerk shall compose the minutes of each meeting and keep them on file at the County Clerk's office. Effective with the November 2002 meeting, the video tape will also remain on file at said office as Exhibit "1" to the official minutes of the Commission meetings.
- C. SHAREPOINT DISTRIBUTION – In addition to the foregoing, the County Clerk shall post the Legislative Digest and the Minutes of each County Commission meeting on the Rutherford County Sharepoint site within fourteen (14) days of the conclusion of each County Commission meeting.

## RULE V

### SHERIFF

- A. THE SHERIFF – The Sheriff or his designated deputy shall attend the Commission meeting while in session to preserve order and carry out the orders of the presiding officer of the Commission.

## RULE VI

### COUNTY ATTORNEY AND DIRECTOR OF ACCOUNTS & BUDGETS

- A. COUNTY ATTORNEY – The County Attorney shall attend meetings of the Commission to advise on matters of law. He or his representative shall attend Commission Committee meetings when called upon provided reasonable notice of said attendance is provided.
- B. DIRECTOR OF ACCOUNTS & BUDGETS – The Director of Accounts & Budgets shall attend meetings of the Commission to advise on the status of the accounts and budgets of the County of the appropriate funds. He/she shall also attend committee meetings of the Budget & Finance Committee and any other committees when called upon provided reasonable advance notice of said attendance is provided.

## RULE VII

### COMMITTEES – GENERAL

- A. SPEAKING LIMITATION – The Chairman of the committee concerned, his/her designee or the author of a resolution, may speak as often as the situation requires. No other member shall speak more than once on the same subject until every other member has had an opportunity to speak. No member shall speak longer than fifteen (15) minutes on the same subject in the first speech and five (5) minutes in any succeeding speech unless by consent of the Commission.
- B. OFFICER’S ELECTION – Upon election of a committee by the Commission, the members of the committee shall convene and elect a Chairman and Vice-Chairman from its membership and formulate rules for its operation not covered under general regulations pertaining to all committees. If a committee has not carried out the aforementioned requirements within twenty-one (21) days, the Chairman shall call the committee into session before the next regular meeting date of the Commission and serve as temporary Chairman until the committee elects a Chairman, and proceeds with its required business.
- C. COMMITTEE MEETINGS OPEN TO COUNTY BOARD OF COMMISSIONERS MEMBERSHIP – All committee meetings shall be open to the public. Only duly elected members of the committee in session may be recognized by the Chairman; however, non-members of the committee, upon the request of a committee member and an affirmative majority vote of the committee members present may appear before the committee. In no manner shall anyone interfere with the proceedings of the committee.
- D. AUTHORITY OF COMMITTEES – The role and jurisdiction of a Commission Committee other than as required by law is to:

Investigate and study matters, provide information and present recommendations to the Commission as generally described in the title of the committee, and as more specifically defined in the subject areas listed under the title. Should any question arise as to the jurisdiction of any committee, it shall be referred to the Steering Committee for determination, subject to appeal to the Commission at its next regular meeting.

All recommendations made by any Standing Committee to either the Budget Committee or the full Commission that have not been acted upon by the immediately following September 1 with the appointment of new committees will lose standing and will be deemed not accepted except as to matters acted upon in the immediately preceding August meetings.

- E. REPORTING PROCEDURE – The procedure for reporting the findings of the Committee to the Commission shall be as follows:
1. The Chairman or a member he so designates shall report from the rostrum in the front of the Courtroom. It shall be the duty of the Chairman or a member he so designates to make a motion that complies with the findings of the Committee.
  2. Upon presentation of a resolution the speaker shall yield to questions.
  3. Discussion shall be had after there has been a motion and a second and so stated by the Chairman, and only then shall there be discussion.
  4. There shall be a vote on the resolution when discussion is complete and where there is a call for the question by the Commission.
- F. DUTIES OF COMMITTEE OFFICERS – The Chairman's prime responsibility is to call meetings of the committee, to serve as presiding officer, and to serve as spokesman of the committee in any action or reporting to the Commission. Further, the Chairman should fully understand and make the committee aware of its authority and areas of jurisdiction. The Vice-Chairman is to assume the role and all responsibilities of the Chairman in his absence. Should the Chairman, for any reason, vacate his position, the Vice-Chairman will automatically become Chairman. A recording secretary shall be responsible for the taking of the minutes, the filing and distribution of the same within five (5) working days after the Committee meets.
- G. VACANCIES ON COMMITTEES – In the event a vacancy on any Committee is created because of a vacancy in the position of County Commissioner then, in that event, the Commissioner selected to fill said Commission vacancy shall also fill the vacancy(s) existing on the Committee(s) previously occupied by the vacating Commissioner.
- H. COMMITTEE MEETINGS MINUTES – The minutes of all committee meetings shall contain the day, time and place the committee convenes, and shall be promptly and fully recorded, shall be open to public inspection, and shall include, but not be limited to, a record of persons present, a summary of matters considered, all motions, proposals and resolutions offered, the results of any votes taken, and a record of individual votes in event of roll call, and the time of adjournment. The original copy of the minutes shall be signed by the Chairman. The recording secretary shall distribute or cause to be distributed the original to the County Mayor and Chairman of the Committee no later than five (5) working days after said meeting.

- I. SELECT COMMITTEES – The Commission may from time to time appoint such select committees as the circumstances require, but such select committees shall be disbanded when it completes its assigned work. No select committee shall be appointed for any purpose when there is a standing committee on the same subject.
- J. REPORTING REFERRALS – The committee to which a request or resolution has been referred shall make a report to the Commission at the next regular meeting after its referral unless the Commission has specified otherwise in its request or resolution.
- K. QUARTERLY REPORTS – The quarterly reports submitted by the County offices and department heads shall be presented as a part of the appropriate standing committee reports.
- L. TECHNICAL ASSISTANCE – Committees have all authority necessary to request the assistance of County, Regional, State and Federal government. Committees cannot obligate the County involving money without approve of the Commission. In study, evaluation and investigation much free advice and technical aid is available from the various levels of government.
- M. MEETINGS – If for any reason the Chairman of a committee fails to call a meeting, the Chairman, or two (2) members of a three (3) members committee, or any three (3) members of a larger committee may do so. No meetings are to be held on the night the Commission meets.

## RULE VIII

### COMMITTEES – SPECIFIC

- A. STANDING COMMITTEES – All standing committees shall be elected by a majority vote of the Commission. Annually, at the September term of the Commission, a list of nominees for all Standing Committees, except the Steering Committee, shall be submitted to the Commission by the Steering Committee. The Steering Committee nominees are to be presented to the Commission at the August term except in the year of Commission elections. The Standing Committees of the Commission are:

Budget, Finance & Investment Committee  
Health & Education Committee  
Property Management Committee  
Public Safety Committee  
Public Works & Planning Committee  
Purchasing Committee  
Steering, Legislative & Governmental Committee

- B. BUDGET, FINANCE & INVESTMENT COMMITTEE – The duties of this committee shall include preparation of the County budget, review of requests for bond issues and appropriations of County monies prior to any action by the full Commission. The committee shall study and recommend taxes and other means of financing the County's programs. The Committee's duties are more particularly set forth in Private Act Chapter 82, Private Acts of 1975, House Bill No. 1036. The Budget Committee shall consist of at least one (1) member from each of the other Standing Committees of the Commission.
- C. HEALTH & EDUCATION COMMITTEE – This committee shall recommend and inform the Board with information regarding the following: (1) Health Department; (2) Nursing Home Board and (3) School Board and libraries. It shall recommend and inform the Board about current needs and the development and implementation of programs related to the promotion of tourism. It shall coordinate the development of recreation and parks programs with the Conservation Board.
- D. PROPERTY MANAGEMENT COMMITTEE – The duties of this committee include the promotion of programs related to the growth and development of industry, commerce and agriculture and the development, maintenance and supervision of all County owned property whether improved or unimproved. The committee shall serve as a liaison to the County Agriculture Committee.



- E. PUBLIC SAFETY COMMITTEE – This committee shall coordinate and supervise all safety and law enforcement agencies within the County including: (1) Sheriff's Department; (2) Adult Detention Center; (3) Workhouse; (4) Fire Protection; (5) Traffic and Safety Control; (6) Emergency Services Coordinator; (7) Wheel Tax Officer; (8) OSHA; (9) Ambulance Service; (10) Humane/Rabies Animal Control and any department using radio dispatch.
- F. PUBLIC WORKS & PLANNING COMMITTEE – The duties of this committee shall be solid waste, recycling, planning and highways. There shall be coordination between this committee and the Planning Commission as pertains to future growth patterns, shifts in population, etc. Those departments which make a monthly report to this committee are: (1) Highway Department; (2) Landfill; (3) Planning Commission; (4) Recycling efforts and (5) Solid Waste Convenience Centers.
- G. PURCHASING COMMITTEE – This committee shall be composed of six (6) Commissioners and the County Mayor who serves as Chairman and Purchasing Agent. This committee shall have one (1) alternate commissioner. The committee shall deliver to the Director of Accounts & Budgets encumbrance notices for all purchases and bids made by them along with the name of the department to which the encumbrance should be charged. Where the estimated fair market value of any materials, supplies or equipment does not exceed the sum of ten thousand dollars (\$10,000) the County Mayor, in his capacity as purchasing agent is hereby granted the authority to make such purchases and executive contracts for the purchase of said materials, supplies or equipment, without the necessity of newspaper advertisement or taking bids for the purchase of such materials, supplies or equipment.
- H. STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE
1. AREAS OF AUTHORITY shall be to submit annually to the Commission, a list of nominations for all Standing Committees except for the Steering Committee, and shall, no later than ten (10) days prior to the Commission session for election of such committee, give notice to Commission members their proposed list of candidates. In addition to its responsibility as the nominating committee for all the other standing committees, the Steering Committee shall consider and recommend to the full Commission solutions to any question or dispute arising over the jurisdiction and authority of existing committees. It shall be decided whether a select committee should be created to handle a new problem or to which existing committee the problem should be referred. The ruling of the committee being subject to approval of the Commission. It shall also review existing

rules and procedures of the Commission and propose new ones when warranted.

2. STEERING COMMITTEE ELECTION – The Steering Committee shall be composed of seven (7) members of the Commission and shall be elected in the following manner at the August term of the County Board of Commissioners except during the year of Commission elections when it shall be held in September. The Chairman of the Commission shall receive nominations from the floor. A member may nominate only one other Commission member. The floor will be kept open until every member has had an opportunity to nominate only one other Commission member. The floor will be kept open until every member has had an opportunity to nominate a person if he/she so desires. Each member will then vote for seven (7) members. The seven (7) members receiving the most votes shall be elected without receiving a majority of the votes on the duly elected and acting members of the Commission. The Steering Committee shall notify the Commission one month in advance of vacancies to be filled in the next month.
3. AREAS OF AUTHORITY shall be reviewing present laws and proposing to the Commission legislation affecting Rutherford County, make recommendations concerning the preservation of any change in the number of voting precincts and civil districts in the County and reapportions the County districts. The Steering Committee shall act as the Commission Committee for improvement of internal communications among the various County agencies and with the public. Contact and liaison with Regional, State, Federal and Special Governmental Agencies should be established and cultivated by this committee in areas which might prove beneficial to the citizens of the County. The committee shall be composed of seven (7) Commission members.

## RULE IX

### MISCELLANEOUS

- A. RULES FOR THE RADIO BROADCASTING AND TELEVISION – Rules for the radio broadcasting and televising of meetings of the Commission: All licensed commercial radio and television stations in Rutherford County shall be eligible to broadcast meetings of the County Commission subject to compliance with the following rules:
1. Authority to broadcast or televise shall be obtained by applying in writing to the Commission. No exclusive authority to broadcast shall be granted to any station or stations.
  2. Neither personnel nor equipment shall interfere with the orderly procedure of the Commission meetings. The Chairman shall have the authority to revoke personnel and equipment.
  3. The nature of the commercial sponsorship shall be in keeping with the high degree of dignity of the Commission.
  4. All broadcasts shall be at no cost to Rutherford County.
- B. NEWS MEDIA AND INVITED GUESTS – Every effort shall be made to provided ample space and satisfactory conditions for the news media, public and invited guests of the Commission.

## RULE X

### CONFLICT OF INTEREST

- A. RULE FOR CONFLICT OF INTEREST STATEMENT – When an item is discussed and results in a vote by the Commission, any Commissioner with a potential conflict may evoke Rule 10. Rule 10 references the conflict of interest statement, which is “Because I (*or a family member is*) am an employee of Rutherford County, I have a conflict of interest in the proposal about to be voted. However, I declare that my argument and my vote answer only to my conscience and to my obligation to my constituents and the citizens this body represents.”