

# **CUMBERLAND COUNTY COMMISSION RULES**

(AMENDED FEBRUARY 19, 2019)

## **RULE 1 - CONVENING THE COMMISSION**

**1.1 Meeting Time and Place.** The Commission shall meet on the third Monday of each month at 6:00 P.M. in the County Courthouse or at such other place as set by the Commission Chairperson with the approval of the Commission. Should any prescribed meeting date fall on a legal holiday the Commission shall meet at 6:00 P.M. on the following Tuesday.

**1.2 Special Meetings.** A special meeting of the Commission shall be called by the County Mayor when, in the County Mayor's opinion, the public necessities require it. A special meeting shall also be called upon written application to the Chairperson by the County Mayor or by a majority of the members of the Commission. The special meeting shall be held not more than fifteen (15) days nor less than forty-eight (48) hours from the time of filing of such application with the Chairperson. (TCA 5-5-105(a))

## **RULE 2 - QUORUM**

**2.1 Number.** A quorum for the transaction of business shall be a majority of the duly qualified and acting members of the County Commission. Vacancies shall not be included in determining the membership of the Commission.

## **RULE 3 - ORDER OF BUSINESS**

- 3.1 Call to Order by Chairperson or Sheriff.**
- 3.2 Invocation.**
- 3.3 Pledge to the Flag of the United States of America.**
- 3.4 Roll Call.**
- 3.5 Approval of Agenda.**
- 3.6 Approval of Previous Meeting Minutes.**
- 3.7 Resolutions for Special Recognition, Memorials, etc.**
- 3.81 Comments by the General Public.**
- 3.82 Appointment of Vacant Seat. (see Rule 7.14)**
- 3.9 Unfinished Business.**
- 3.10 New Business.**
- 3.101 Resolutions.**
- 3.11 Reports of County Officials.**
- 3.12 Report of County Attorney.**

- 3.13 Reports of Standing Committees.
- 3.14 Reports of Statutory Committees.
- 3.15 Elections, Appointments and Confirmations.
- 3.151 Election of Notaries.
- 3.16 Announcements and Statements.
- 3.17 Adjournment.

#### **RULE 4 - GENERAL**

**4.2 Who May Address the Commission.** It is a Commissioner's right to address the Chairperson and the Commission at any appropriate time after proper recognition by the Chairperson. It may be allowable for non-Commission members to address the Commission if there is no objection by the Commission or if a majority of the Commission votes to allow such participation. It is also allowable for a non-Commission member to address the Commission during the Comments by the General Public portion of the Agenda. A non-Commission member may address the Commission for three (3) minutes if recognized by the Chairperson.

**4.3 Gaining the Floor.** In all cases, the Commissioner who shall first raise their hand and address the Chairperson shall be entitled to speak first. When two or more Commissioners raise their hand and address the Chairperson at the same time, the Chairperson shall name the Commissioner who shall speak first, followed by the other Commissioner.

**4.4 Speaking.** When any Commissioner wishes to speak in debate, discussion or deliver any address on any matter whatsoever to the Commission, they shall respectfully address themselves to the Chairperson, and shall, after they are recognized by the Chairperson, proceed in their remarks, and shall confine themselves strictly to the question under debate and avoid all personalities. A Committee Chairperson, their designee, or the author of a resolution may speak as often as the situation requires. No other Commissioner shall speak more than once on the same subject until every Commissioner has had an opportunity to speak. No Commissioner, except for committee reports, shall speak longer than ten (10) minutes on the same subject in the first speech and five (5) minutes in any succeeding speech unless by consent of the Commission.

**4.5 Consent to Yield.** While a Commissioner is speaking, they shall not be interrupted, except for a question by another Commissioner. If the speaker declines to yield the floor, they shall not be interrupted, but shall yield to questions at the end of the presentation.

**4.6 Refusal to be in Order.** If any person, Commissioner or otherwise, refuses to remain orderly, the Chairperson shall have the right to call upon the Sheriff, Deputy Sheriff, or officer in waiting upon the Commission to seat such person, and if such person refuses to be seated or come to order, the Chairperson shall have the right to declare such person in contempt and to order the person's removal from the meeting. The person may return to the meeting only on the approval of a majority of the Commissioners present.

**4.7 Appeal on Rulings.** Any Commissioner may appeal to the Commission from any ruling of the Chairperson, and a majority vote of the Commissioners present shall decide the appeal.

**4.8 Conflict of Interest.** (a) No member of the legislative body of a county who is also an employee of the same county or whose spouse is an employee of the same county may vote on matters in which such member has a conflict of interest. A conflict of interest is created under this section when a member is voting on a matter which, if approved by the legislative body, would increase the pay or benefits of that member or that member's spouse. The vote of any member having a conflict of interest shall be void if challenged in a timely manner. As used in this subsection (a), "timely manner" means during the same meeting at which the vote was cast and prior to the transaction of any further business by the body.

(b) Subsection (a) shall not prohibit a member of a local governing body of a county from voting on the budget, appropriation resolution, or tax rate resolution, or 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.

(c) Any member of a local governing body of a county who abstains from voting for cause on any issue coming to a vote before the body shall not be counted for the purpose of determining a majority vote. This subsection (c) shall not apply to any county having a metropolitan form of government and having a population in excess of five hundred thousand (500,000), according to the 1990 federal census or any subsequent federal census.

(d) Nothing in this section alters, amends, or otherwise affects § 12-4-101(a). In the event of any conflict between this section and § 12-4-101(a), § 12-4-101(a) shall prevail.

(e) The legislative body of any metropolitan form of government or charter form of government may opt out of this section by resolution.

**4.9 Votes Required to Pass a Motion or Resolution.** For any motion or resolution to pass, there must be a vote in favor by a majority of the then existing Commission, not merely a majority vote of the Commissioners present. All votes must be cast in person. No telephone or electronic voting is permitted (TCA 8-44-108; Tennessee Attorney General Opinion No. 99-152).

**4.10 Sites for Offices and Required Buildings.** The Commission may purchase and hold suitable sites for offices of the county clerks, and such other county offices as may be deemed expedient by the Commission (TCA 5-7-103). It is the duty of the Commission to erect a courthouse, jail, and other necessary county buildings (TCA 5-7-104).

## **RULE 5 - MOTIONS**

**5.1 Introduction.** Motions may only be made by Commissioners. Generally, motions will be made by Sponsors, Committee Officers or the Chairperson Pro Tem in the case of a resolution sponsored by the County Mayor who is also the Commission Chairperson.

**5.2 Debate.** No motion shall be debated until the same is seconded.

**5.3 Motions to be Stated.** When a motion is made and seconded, upon request of any Commissioner, it shall be stated by the Chairperson prior to any debate or vote.

**5.4 Committee Report.** On any motion that has been reviewed and forwarded by a committee or committees, the recommendation to either adopt, reject or submission to the Commission without recommendation, as well as the vote of the reviewing committee(s), shall be reported by the Committee Chairperson(s) or a Commissioner(s) designated by the committee chairperson, prior to any debate or vote.

**5.5 Motions During Vote.** When the Chairperson has submitted a question to the Commission, and when there is a call for the vote, or a count of the Commission, no motion except a motion to amend the original motion made by the sponsor or to table the proposed action, shall be in order until the decision of the Commission is declared by the Chairperson.

**5.6 Required Roll Call.** Any motion may be put to the Commission for a vote by the Chairperson, provided, however, any Commissioner may require a roll call by the raising of the hand or indicating otherwise, either before or after the voice vote. Except for elections or appointments, the vote of the Commissioners present shall be taken by yes or no, the Clerk calling and recording the name of each Commissioner, together with each Commissioner's vote, yes or no, as it is given, which shall be entered upon the minutes.

**5.7 Commissioner May Change Vote.** Any Commissioner may change their vote before the result of a roll call is 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; also, if anyone who has voted wishes to change their vote, then, the result shall be announced by the Clerk. Pass votes will be treated as no votes on the final tally.

**5.8 Reconsideration of a Motion.** When a question has been put to a vote, it shall be in order for any Commissioner of the prevailing side to move and another to second a reconsideration at any time during the same meeting, but any such reconsideration must be approved by two-thirds (2/3) of the Commission.

## **RULE 6 - RESOLUTIONS**

**6.1 Introduction.** Proposed resolutions may be introduced only by a Commissioner or the County Mayor, and the Clerk or Chairperson shall not receive or file any resolution that is not reduced to writing and signed by at least one (1) Commissioner or the County Mayor. All resolutions must be filed with the Clerk by 12:00 noon on the second Friday before the monthly Commission meeting. The Clerk will send copies of the resolutions together with a copy of the agenda to each Commissioner that same Friday.

**6.2 Sponsor.** A resolution may have as many signatures as there are Commissioners. However, the first signature on the resolution shall be deemed the sponsor for the purpose of debate.

**6.3 Successful Resolutions.** All successful resolutions shall be submitted to the Chairperson for his/her signature and shall be attested by the signature of the Clerk. The resolution along with the vote of the Commissioners shall then be submitted to the County Mayor, within five (5) days of its passage, for his/her consideration.

## **RULE 7 - ELECTIONS AND APPOINTMENTS**

**7.1 Vacancy in County Office.** Vacancies in County offices required by the Constitution of Tennessee or by any statutory provision to be filled by the people shall be filled by the County Commission, and any person so appointed shall serve until a successor is elected at the next general election, as defined in TCA 2-1-104, in the county and is qualified; provided that the candidates have sufficient time to qualify for the office, as provided for in TCA 2-14-106. (TCA 5-1-104(b)(1))

**7.11 Notice of Vacancy.** Notice of such a vacancy shall be given to the Commission and to the public as provided in TCA 5-5-111(a)(1). In accordance with TCA 8-48-108, the formal notice to Commissioners required by TCA 5-5-111(a)(1) is directory and may be waived by the Commissioners if all Commissioners have constructive notice of the vacancy through other sources of information. (TCA 5-5-111(a)(1))

**7.12 Time to Fill Vacancy.** All vacancies must be filled within one hundred twenty (120) days of receiving notice of the vacancy unless a general election is scheduled during that time and there is sufficient time for the vacancy to be placed on the ballot. (TCA 5-1-104)

**7.13 Nominations.** Before the County Commission fills the vacancy, registered voters of the county may submit their names or other names to the Chairperson of the Commission for consideration. The names may be submitted in writing to the Chairperson prior to the meeting or may be submitted in person at the meeting. In order for a name to be considered, a Commissioner must subsequently nominate the person. Nominations do not require a second. A person nominated must be present at the meeting or have previously signed a statement indicating a willingness to serve. (TCA 5-5-111(b))

**7.14 Appointment of a Vacant Seat.** When the appointment of a vacant seat is required on the full County Commission Agenda, such appointment requires the agenda to be adjusted to immediately follow the Comments by the General Public agenda item (Rule 3.71)

**7.2 Notice of Meeting to Fill Vacancy.** The Chairperson of the Commission shall cause public notice to be given in a newspaper of general circulation in the county at least seven (7) days prior to the meeting at which the vacancy is to be filled, notifying the public of the vacancy. (TCA 5-5-111(a)(2))

**7.3 Conduct of Election.** If only one name is submitted for the vacancy, the Commission may vote immediately. If more than one name is submitted for the vacancy, all candidates shall be given up to ten minutes to address the Commission or have other persons address the Commission on their behalf. The order of speaking among the candidates shall be determined by random drawing. After all candidates have had the opportunity to address the Commission, an election shall be held pursuant to the provisions of Rule 7.4 and 7.5.

Upon motion passed by a majority of the Commission, the vote to make the appointment may be postponed to a subsequent meeting, provided that adequate public notice of the meeting is given. (TCA 5-5-111(d))

**7.4 Elections or Confirmations.** Each Commissioner's vote regarding the appointment or confirmation process shall be recorded by the Clerk and entered on the minutes of the Commission. If the vote is on confirmation of any appointee each Commissioner will vote either "Yes" or "No" on the confirmation. If the vote is to appoint someone among multiple nominees for the position each Commissioner shall vote by naming the person they are voting for. In the alternative a written ballot may be used but each Commissioner must sign their ballot so that the person they are voting for may be recorded by the Clerk. No secret balloting shall be permitted. A majority of the membership of the full Commission is required for election or confirmation. (TCA 5-5-111(e))

**7.5 Second Ballot.** If no one is elected on a given ballot, nominees receiving no votes and the nominee receiving the smallest number of votes will be dropped and the vote will be taken again until a nominee is elected by the required majority of the Commission. When the vote is down to two (2) nominees and neither can get a majority after two ballots the Chairperson will declare the winner. A tie vote of the Commission regarding an appointment may be broken in the same manner that other tie votes of the body may be broken.

## **RULE 8 - APPROPRIATION REQUESTS**

**8.1 Request for Appropriation.** Requests for appropriations in addition to those within the annual budget shall be submitted in the following manner:

- 8.11** The request shall be submitted in writing to the appropriate committee of the Commission and shall reflect the estimated cost which shall be attached to the proposed resolution.
- 8.12** All requests for appropriations falling in this area shall be summarized and submitted in writing to each member of the Commission pursuant to the procedure of Rule 6.1.
- 8.13** The committee to which the request has been referred shall, in open meeting of the Commission, assume one of the following positions: (1) Adoption recommended; (2) Rejection recommended; or (3) Submitted to the Commission without recommendation.
- 8.14** The budget committee chairperson or a Commissioner designated by them shall advise the Commission as to fund availability before a vote is taken on appropriations in any amount which are in addition to those of the annual budget.
- 8.15** The resolution requesting such appropriations shall be voted upon by the Commission as provided by Rule 5 of these rules.

## **RULE 9 - RULE SUSPENSION**

**9.1 Suspending the Rules.** Any rule or rules may be suspended by a two-thirds (2/3) majority vote of the full Commission.

**9.2 Matters not on the Advance Agenda.** Any matters not on the advance agenda shall not be considered by the Commission at a meeting unless two-thirds of the Commission vote to suspend the rules and allow the item to be considered.

## **RULE 10 - ROBERT'S RULES OF ORDER**

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

## **RULE 11 - CHAIRPERSON**

**11.1 Election of Chairperson and Chairperson Pro tempore .** The Commission, at its first meeting on or after September 1 of each year, shall elect from the Commission a chair and a chair pro tempore. However, the Commission may elect the County Mayor to be its chair. If the County Mayor is elected as chair, such election shall confer no additional powers or authority on the County Mayor as presiding officer except as otherwise provided by law (TCA 5-5-103). If the current Chairperson desires to seek reelection, he/she may request the County Attorney or County Clerk to conduct the election.

**11.2 Veto Power.** If the County Mayor serves as Chairperson, they relinquish their veto power as provided in TCA 5-6-107.

**11.3 Voting by the Chairperson.** The County Mayor as Chairperson may vote only in case of a tie. A Commissioner Chairperson may vote on all issues coming before the body, just as any other Commissioner.

**11.4 Call to Order.** The Commission shall be called to order by the Chairperson or Sheriff. In the absence of the Chairperson, the Chairperson Pro Tempore shall preside. In the absence of the Chairman Pro Tempore, the Commission shall be called to order by the Clerk and shall elect one of its members to preside over deliberations.

**11.5 Speaking.** Should the Chairperson of the Commission desire to speak upon any subject either in the negative or the affirmative, they may do so, provided they vacate the chair upon the request of any Commissioner. Whereupon the Chairperson Pro Tempore shall preside until the matter under consideration is disposed of by the Commission. However, the Chairperson may answer questions, provide information, and give explanations from the chair, the Commission not objecting.

**11.6 Questions of Order.** The Chairperson shall preserve order and decorum. The Chairperson may speak to points of order in preference to other Commissioners. They shall decide questions of order, subject to an appeal to the Commission by any Commissioner.

**11.7 Commissioner Speaking.** Before a Commissioner is allowed to speak twice on the same subject, the Chairperson shall inquire if there is another member who has not spoken on that subject to the Commission.

**11.8 Putting the Question.** The Chairperson shall state or put a question and shall clearly state the question before the Commission before the vote on the question is taken. A Commissioner may ask for clarification of the question up until the result of the vote is announced.

**11.9 Commission Committees.** The Chairperson shall be an ex-officio non-voting member of all Commission committees and statutory committees. In this capacity they shall offer assistance and advice as needed.

**11.10 Preparing an Agenda.** The Chairperson, with the Clerk, will cause an agenda for the Commission meeting to be sent to each Commissioner pursuant to the provisions of Rule 6.1. Any Commissioner or the County Mayor has an absolute right to have any item or resolution they desire placed upon the advance agenda.

**11.11 Compensation.** The Chairperson of the Commission, when elected from the Commission, will receive an additional annual payment of \$3,000.00 per year, \$250.00 monthly. This payment is not applicable when the County Mayor is serving as Commission Chairperson.

## **RULE 12 - COUNTY CLERK**

**12.1 Notice.** The Clerk shall notify each Commissioner of any special or called meeting not less than five (5) days in advance thereof. Notification of regular meetings shall be pursuant to the provisions of Rule 6.1 and a copy of the package for the Monthly Meeting sent to each Commissioner shall be posted to the County website no later than one week prior to the meeting.

**12.2 Minutes of the Commission.** The Clerk shall make copies of the minutes of each Commission meeting and distribute them with the agenda for the next meeting pursuant to the provisions of Rule 6.1. The minutes shall be distributed as follows:

- 12.21** One copy to each Commissioner before the next Commission meeting.
- 12.22** One copy, upon request, to each County office, department, and/or Commission head.
- 12.23** One copy, upon request, to all public school and university libraries in the county.
- 12.24** One copy, upon request, to all licensed and operating commercial radio and television stations in the county.
- 12.25** One copy, upon request, to all newspapers published in the county for sale and distribution to the general public.
- 12.26** One or more pages shall be made available to the general public at cost.



**12.3 Resolutions.** A copy of all resolutions approved by the Commission shall be submitted to the County Mayor for his/her consideration and signature.

**12.4 Roll Call Vote.** On all roll call votes, the Clerk shall call the roll for "Yes" and "No" votes.

**12.5 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 if they desire to vote; also, if any one who has voted wishes to change their vote. Then the results shall be announced by the Clerk.

**12.6 Agenda Requests.** All items to be on the agenda shall be presented to the Clerk pursuant to the provisions of Rule 6.1. The Clerk and the Commission Chairperson will prepare an agenda. All agenda items shall show the name of the Commissioner or County Mayor requesting that the item be placed upon the agenda.

**12.7 Agenda to Commission and News Media.** A copy of the agenda and notice calling each Commission Meeting shall be mailed or emailed to all licensed commercial radio and television stations in the county, and to all newspapers published in the county for sale and distribution to the general public at the same time the agenda and notice is mailed or emailed to the Commissioners and County Mayor at least ten (10) days before the meeting. Standing and Statutory Committee meeting agenda and notices shall be mailed or emailed to the Commissioners, County Mayor and News Media at least five (5) business days before the meeting, or if deemed an emergency within three (3) days or as soon as possible.

**12.8 List of Boards, Committees, and Offices.** It shall be the duty of the Clerk to maintain in his office for the benefit of the Commission and the public a list of the membership of all Boards, Committees, and Offices appointed by the Commission, together with their terms and term expiration dates.

## **RULE 13 - SHERIFF**

**13.1 The Sheriff.** The sheriff shall attend the Commission meeting while in session or designate some other deputy for that purpose. That officer shall preserve order and carry out the orders of the Chairperson of the Commission. The sheriff has charge of the Courthouse, unless some other person is specially appointed by the Commission for that purpose. It is further the duty of the sheriff to see that the state and national flags are properly displayed in each courtroom (TCA 5-7-108).

## **RULE 14 - COUNTY ATTORNEY**

**14.1 County Attorney.** The County Attorney shall, as legal consultant, attend all meetings of the Commission. He/she shall also attend Commission committee meetings when called upon by the Chairperson of a standing or statutory committee or when called upon by a written request signed by a majority of that committee. He/she shall approve "as

to form", all contracts submitted to the Commission for approval. The County Attorney shall be elected by the Commission for a two-year term at its September meeting in every even-numbered year. The compensation for the County Attorney shall be fixed by the Commission. (Chapter 283 of the Private Acts of 1933)

### **RULE 15 - PARLIAMENTARIAN**

**15.1 Election.** The Commission shall elect a Parliamentarian at its first meeting on or after September 1 of each year.

### **RULE 16 - COUNTY WEBSITE**

**16.1 County Website.** All Commission and Committee meeting notices, agendas, and approved minutes from same will be posted on the Cumberland County Website.

### **RULE 17 - COMMITTEES**

**17.1 Election.** All members of Statutory Committees will be elected and have their terms set in accordance with the applicable Statute, when defined. All members of other Committees shall be elected for two (2) year terms. The Chairperson will make nominations and committees will be elected by the Commission at the September Commission meeting in even numbered years. Any Commissioner may submit a list, in order of priority, of the five (5) committees on which they are interested in serving. However, Commissioners may also make nominations from the floor.

**17.2 Officers Election.** Upon election to a committee by the Commission, the members of the committee shall convene and elect a Chairperson, Vice Chairperson, and a Secretary from its membership and formulate rules for its operation not covered under statute or general regulations pertaining to all committees. If a committee has not carried out the aforementioned requirements within twenty-one (21) days, the Commission Chairperson shall call the committee into session before the next regular meeting date of the Commission and serve as temporary chairperson until the committee elects a chairperson and proceeds with its required business.

**17.3 Committee Chairperson and Agenda.** Committee chairpersons should notify the Commission Chairperson of the major matters to be reported to the Commission at the next meeting. This should be done in time for the Commission Chairperson to include the same on the agenda.

**17.4 Conflict of Interest.** (a) No member of the legislative body of a county who is also an employee of the same county or whose spouse is an employee of the same county may vote on matters in which such member has a conflict of interest. A conflict of interest is created under this section when a member is voting on a matter which, if approved by the legislative body, would increase the pay or benefits of that member or that member's spouse. The vote of any member having a conflict of interest shall be void if challenged in a timely manner. As used in this subsection (a), "timely manner" means during the same meeting at which the vote was cast and prior to the transaction of any further business by the body.

(b) Subsection (a) shall not prohibit a member of a local governing body of a county from voting on the budget, appropriation resolution, or tax rate resolution, or 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.(c) Any member of a local governing body of a county who abstains from voting for cause on any issue coming to a vote before the body shall not be counted for the purpose of determining a majority vote. This subsection (c) shall not apply to any county having a metropolitan form of government and having a population in excess of five hundred thousand (500,000), according to the 1990 federal census or any subsequent federal census.(d) Nothing in this section alters, amends, or otherwise affects § 12-4-101(a). In the event of any conflict between this section and § 12-4-101(a), § 12-4-101(a) shall prevail.(e)The legislative body of any metropolitan form of government or charter form of government may opt out of this section by resolution.

**17.5 Votes Required to Pass a Motion or Item.** For any motion or item to pass, there must be a vote in favor by a majority of the then existing committee, not merely a majority vote of the committee members present. All votes must be cast in person.

No telephone or electronic voting is permitted (TCA 8-44-108, Tennessee Attorney General Opinion No. 99-152).

**17.6 Consultation with County Attorney.** All committee chairpersons shall contact the County Attorney on matters appearing to warrant legal evaluation prior to presentation to the Commission.

**17.7 Committee Meetings Open to All Commissioners and the Public.** All committee meetings shall be open to all Commissioners. However, only duly elected members of the committee may vote on matters before the committee. However, non-members of the committee may be recognized by the committee chairperson unless a majority of the committee members object. All Commissioners, the public and the media shall be notified of all committee meetings with adequate public notice. Commissioners may choose, in writing, to be notified by USPS, email or both, submitted to the Commission Chairperson and County Mayor.

**17.71 Recording of Committee Meetings.** All Commission Committee Meetings will be recorded and archived, in the form of approved, written Minutes as per the Open Public Records Policy, T.C.A. 10-7-503.

**17.8 Authority of Committees.** The role and jurisdiction of a Commission Committee 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 jurisdiction of any committee, it shall be referred to the Commission Chairperson for determination, subject to an appeal to the full Commission at its next regular meeting.

**17.9 Reporting Procedure.** The procedure for reporting the findings of a committee to the Commission shall be as follows:

**17.91** The Chairman or a member they so designate shall report to the Commission.

**17.92** Upon completion of a report, the speaker shall yield to questions.

**17.93** Discussion shall be had after there has been a motion and a second, and so stated by the Chairperson, and only then shall there be discussion.

**17.94** There shall be a vote on the proposition when discussion is complete or when there is a call for the question.

**17.10 Duties of Committee Officers.** The committee chairperson'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 chairperson should fully understand and make the committee aware of its authority and areas of jurisdiction. The vice chairperson is to assume the role and all responsibilities of the chairperson in his/her absence. Should the chairperson, for any reason, vacate his/her position, the vice chairperson will automatically become Chairperson. Upon this occurrence, at the next regular meeting of the committee, a new vice chairperson shall be elected. The secretary shall be responsible for the taking of minutes and filing of same with the County Clerk's Office. Distribution of same shall be made to Committee members before or at the next regular meeting of the Committee for approval.

**17.11 Committee Meeting Minutes.** The minutes of all committee meetings shall contain the day, time, and place the committee convened, the members present, the members absent, a summary of matters considered, a record of the voting on the action taken on each recommendation to the Commission, and time of adjournment.

**17.12 Vacancies on Committees.** Should for any reason one or more members of any committee vacate their position; the Commission shall fill those vacancies in the same manner as the original members.

**17.13 Subcommittees.** Each Commission Committee may, from the Commission membership, select sub-committees to make studies and recommendations to the committee on any specific matter which falls into their authority. Furthermore, they may, with the approval of the Commission, select interested citizens to the county who wish to help in the study of a given matter, and ask them to work as a part of the sub-committee. The Standing Committee, not its sub-committee, shall have final responsibility for all recommendations to the Commission.

**17.14 Special Committees.** The Commission may from time to time appoint such special committees as the circumstances require, but such a special committee shall be disbanded when it completes its assigned work and in no case shall it exist longer than one year unless extended by the Commission. No special committee shall be appointed for any purpose when there is a Standing Committee on the same subject.

**17.15 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.

**17.16 Failure to Meet.** If for any reason the chairperson of a committee fails to call a meeting, the Commission Chairperson, or five members of the committee may do so.

**17.17 Technical Assistance.** Committees have any and all authority necessary to request the assistance of county, regional, state and federal governmental departments, commissions and agencies. However, committees cannot obligate the County involving money without the approval of the Commission.

**17.18 Committee of the Whole.** The Commission may, by a two-thirds (2/3) vote of the Commission, resolve itself into a committee of the whole and act for any Commission Committee after requiring the committee to supply the Commission with all information that the committee has on a given subject.

## **RULE 18 - STANDING COMMITTEES**

**18.1 Standing Committees.** The Commission shall have the following standing committees, composed of nine (9) members, one from each civil district of the county, elected in accordance with Rule #17.1, for a two-year term. Standing Committees will investigate and study matters, provide information and present recommendations in writing to the Commission in their areas of responsibility. They will also establish policies and guidelines, and work with the Commission Chairperson and the County Mayor as requested, to efficiently carry out the programs in the county under their area of responsibility. Committees will report to the full Commission on all requests for major policy changes and expenditures of county funds outside of budget items. All other activities will be reported at the direction of the committee chairperson or a majority of the committee.

**18.11 Building and Grounds Committee.** It shall be the duty of this committee to work with the County Mayor to establish policies and recommend procedures for the management, control and improvements of county buildings, property and maintenance garage and to bring recommendations to the County Commission when necessary. The committee shall approve specific use of contingency funds, previously appropriated and budgeted by the full Commission, on construction projects.

**18.12 Emergency Services Committee.** It shall be the duty of this committee to work with the Sheriff; the County Mayor and his Director of Emergency Services; E-911 Manager; and Emergency Management Director on matters pertaining to their departments and to bring recommendations for changes and improvements in their operations to the County Commission when necessary.

**18.13 Environmental Committee.** It shall be the duty of this committee to work with the County Mayor and his Solid Waste Director on matters pertaining to the operation of the convenience centers, sanitation matters, sanitation trucks, landfill operations and recycling programs. This committee will work with the County Road Superintendent

to ensure the care, maintenance, rights-of-way and planning of all county roads and bridges as well as review proposed speed limits on County roads. The committee will review all proposed changes to the county road list on an annual basis. The committee will review matters pertaining to county building codes and inspections fees. The committee shall bring recommendations to the County Commission when necessary.

**18.14 Rules Committee.** It shall be the duty of this committee to review these rules and recommend changes, when needed, to the Commission.

**18.15 School and County Education Committee.** It shall be the duty of this committee to meet and work with the Board of Education on all matters pertaining to bond requests and long-range programs of education in the county. Its responsibility will be to coordinate all school requests, including the school budget and any new funding requests for amounts greater than \$5,000.00, from the Board of Education and make recommendations on them to the Budget Committee. All requests for budget transfers within the school budget and all other school budget requests will go directly to the Budget Committee. At least one member of the committee should attend the regular school board meeting each month. The committee will also keep the Commission informed of any current legislation matters affecting the Commission.

## **RULE 19 - STATUTORY COMMITTEES, BOARDS, AND OFFICES**

**19.1 Statutory Committees, Boards and Offices.** The Chairperson, or the County Mayor, if required by statute, will make recommendations to the full Commission for statutory committees, boards and offices at the times required by law. The following are Statutory Committees, Boards, and Offices of the County:

**19.11 Adult-Oriented Establishment Board.** The Board shall consist of five (5) members appointed by the County Mayor. The terms of the Board members shall be four (4) years (TCA 7-51-1103). (See Resolution 895-3 dated 08/21/95 - Minute Book 35, page 292)

**19.12 County Agricultural Extension Committee.** The County Agricultural Extension Committee is mandatory in counties cooperating with the state agricultural extension service. The committee has seven (7) members elected by the Commission. All members shall be elected under the provisions of Rule 17. (TCA 49-50-104). Three (3) members shall be Commissioners. There shall be elected to the committee four (4) members who are not Commissioners. Two (2) shall be farmers and two (2) shall be farm women, residing in different civil districts. The members shall be elected by the Commission for terms of two (2) years. Two (2) of the members representing the Commission, one (1) farmer, and one (1) farm woman, shall be elected in even numbered years, and the other members shall be elected in odd numbered years. The elections shall be held at the first meeting of the Commission in each calendar year. No member may be elected for more than three (3) successive terms. In the event there is a vacancy on the committee, the Commission shall fill the vacancy at its next regular meeting after the vacancy occurs, and the committee member filling the vacancy shall serve during the unexpired term of the member's predecessor.

The functions of the committee shall be to:

- (1)** Act with duly authorized representatives of the University of

Tennessee extension in the employment or removal of personnel receiving funds from county extension appropriations.

(2) Act with the duly authorized representatives of the state agricultural extension service in formulating the county extension budget, and serve as liaison between the extension service and the Commission on financial and other matters relating to the work.

(3) Act in an advisory capacity on county extension program formulation; and

(4) Act in an advisory capacity on activities performed in connection with carrying out the program.

**19.13 Audit Committee.** The Audit Committee was established under TCA 9-3-405 by resolution #04-2011-3 dated April 18, 2011. It shall be the duty of this committee to carefully review all findings from the county's annual audit report. The committee should satisfy itself that appropriate and timely corrective action has been taken by management to remedy identified weaknesses. The committee should consider the effectiveness of internal control systems. The committee shall present an annual report detailing how it discharged its duties and any committee recommendations to the full County Commission. The committee consists of three (3) county commissioners, and two citizens of Cumberland County (Resolution 08-2011-2 approved August 15, 2011). No committee member will be an elected official (other than County Commissioners), employee, spouse of an elected official/employee or person that comingles assets with an official/employee of Cumberland County. The members shall be elected by the Commission for terms of two (2) years.

**19.14 County Beer Board.** The beer board consists of five (5) County Commissioners serving two (2) year terms, elected by the Commission under the provisions of Rule 17.1. (See Resolution dated 07/17/61 - Minute Book 8, pages 484-487, and Resolution 04-2011-10 dated April 21, 2011-Minutes Book 48 page 324).

**19.15 Budget Committee.** It shall be the duty of this committee to make a thorough study of all departments of county government relative to budget requirements. This committee shall establish and approve policies, forms and documents, procedures and regulations necessary for the annual operating and capital improvements budgets (TCA 5-21-105 (d)). This committee shall perform all duties respecting county budgets and appropriations. This committee will hold public hearings, as required by law, before the adoption of the county budget. It will receive recommendations on finance from all other committees. It will recommend to the entire Commission the tax rate and overall budget (See Commission Minutes dated July 17, 1961, Minute Book #8 and Commission Meeting Minutes dated April 17, 1967 Minute Book #9). It will recommend the expenditures of the county funds not otherwise provided for (TCA 5-12-104). The committee shall work with the Committee Chairperson and the County Mayor to prepare and present insurance contracts to the County Commission for approval. This committee shall meet, at least quarterly, with representatives of the providing insurance company, and be provided with reports of work related insurance claims and unusually high insurance usage (TCA 5-21-105). The committee is composed of nine members, one from each district, elected in accordance with Rule 17.1.

**19.16 Communications Center Committee.** The Communications Center Committee is established by the Intergovernmental Cooperation Agreement

for Emergency Communications entered into between the City of Crossville and Cumberland County (Resolution 1001-1 dated 10/15/01 - Minute Book 41, pages 43-49). The committee is composed of seven (7) persons, as follows: County Mayor or his/her designee, Mayor of the City of Crossville or his/her designee, Sheriff, Emergency Service Director, County Fire Chief, City Fire Chief, and Chief of Police.

**19.17 Crossville-Cumberland County Convention and Visitors Bureau.**

The Crossville-Cumberland County Convention and Visitors Bureau is a Tennessee nonprofit corporation. The number, term and method of election of the Board of Directors shall be as provided in the bylaws. The amended and restated charter is recorded in Book 1325, pages 2202-2205, Register's Office, Cumberland County, Tennessee. The bylaws currently provide for a Board of fourteen (14) directors elected for three (3) year terms. Four (4) members are appointed by the City of Crossville, four (4) members are appointed by the Commission, and four (4) members are appointed by the Greater Cumberland County Chamber of Commerce. The County Mayor and Executive Vice President of the Chamber of Commerce are ex-officio members.

**19.18 Debt Management Committee.**

It shall be the purpose of this committee to monitor Cumberland County's compliance with the Cumberland County Debt Management Policy established under TCA 9-21-151(b)(1) adopted by resolution 11-2011-1, dated November 21, 2011. The committee ensures that the annual debt report is submitted to the County Commission in January of each year. This committee recommends to the budget committee the annual budget for the Debt Service Fund. This committee is composed of nine (9) members, one from each civil district of the county. The members are nominated by the County Mayor, subject to confirmation by the Commission for a term of two years.

**19.19 Delinquent Tax Committee.**

This committee is charged with disposing of, according to the law, all properties acquired by the County at tax sales. This committee shall be a committee composed of four (4) Commission Members and the County Mayor. The committee shall be elected by the Commission under the provisions of Rule 17. (TCA 67-5-2507)

**19.20 E-911 Emergency Communications District Board of Directors.**

The E-911 Board of Directors is authorized by TCA 7-86-105 and was provided for in a resolution dated July 9, 1990, and recorded in Minute Book 31, page 139. The Board is composed of nine (9) members who serve four (4) year terms.

**19.21 Ethics Committee.**

The Ethics Committee was established under TCA 8-17-101. It shall be the duty of this committee to implement the provisions of the Cumberland County Code of Ethics, Section 5, adopted by the County Commission, Agenda Item #11, dated May 31, 2007. The committee consists of five members; one county commissioner, one county employee, one member of the board of education, one member of a utility district, and one member of the general public who is not covered by this Cumberland County Code of Ethics. The members shall be nominated for one year terms, each year, by the County Mayor with appointment by the County Commission.

**19.22 County Board of Equalization.**

The County Board of Equalization consists of five (5) members who must be freeholders and



taxpayers of the County. One (1) member is to be appointed by the City Council of the largest city in the County. Four (4) members are to be nominated by the Chairperson and approved by the Commission. Members are to be elected by the Commission from the different sections of the county at the April meeting of each even numbered year for a term of two (2) years. Magistrates or state, municipal or county legislative or executive officials or employees shall all be ineligible for positions on the board except for persons who receive only compensation in lieu of expenses or a per diem payment for services. This board reviews property owner's complaints regarding property tax assessments (TCA 67-1-401).

**19.23 County Financial Management Committee.** The County Financial Management Committee consists of seven (7) members elected by the Commission. The committee consists of the County Mayor, Road Superintendent, Director of Schools and four (4) members elected by the Commission at its September meeting of each year for one (1) year terms. The four (4) members elected by the Commission may or may not be members of the Commission. The committee shall elect its own chair, and the Finance Director shall serve as secretary of the committee. The committee shall establish and approve policies, procedures and regulations for implementing a sound and efficient financial system for administering the funds of the county. The committee shall be elected by the Commission under the provisions of Rule 17.1. (TCA 5-21-104, Quarterly Minutes Book #24, dated November 19, 1984).

**19.24 Health and Safety Standards Board.** The Cumberland County Health and Safety Standards Board was created by Resolution 1205-6, dated 12/19/05 - Minute Book 44, pages 178-180. It shall consist of five (5) members nominated by the County Mayor, subject to confirmation by the Commission. All members shall serve four (4) year terms. (TCA 5-1-115)

**19.25 County Historian.** The Commission shall appoint some person of the county as county historian, who shall serve without pay and whose duties shall include, but not be limited to, collecting and preserving local and state history, and in doing so, to work with, in such manner as may mutually be agreed upon, the state historian, the state library and archives and the Tennessee historical commission (TCA 5-18-101).

**19.26 Investment Committee.** It shall be the duty of this committee to establish and approve policies and procedures for cash management and investing idle county funds in various investments as prescribed by law and receive the best return for the funds invested. The committee shall bring recommendations to the County Commission when necessary. The committee shall consist of the Trustee, County Mayor as well as four(4) Commissioners (TCA 5-8-302; TCA 5-21-105(c); Established by Resolution, Quarterly Minutes Book #24, page 175, dated January 28, 1985).

**19.27 The Cumberland County Joint Economic Development Board.** This Board was created by an Interlocal Agreement in 2003. The Board consists of the County Mayor, the Mayor of each city in the county, one City of Crossville Council member, the Crossville City Manager, three (3) county Commissioners, three (3) representatives selected by the Chamber of Commerce, one (1) representative of the largest utility in the county, one (1) representative of agriculture, and one (1) representative from the private sector selected by the other non-executive members of the

Board. The terms of office for elected officials shall coincide with the terms of office for their elected positions. Other Board members shall be appointed for four (4) year terms. (See TCA 5-1-113, TCA 6-58-114, and TCA 12-9-101)

**19.28 Judicial Commissioners.** The Commission may appoint one (1) or more Judicial Commissioners (TCA 40-1-111).

**19.29 The Falling Water River Regional Library Board.** The Falling Water River Regional Library Board is a Board created by the Tennessee State Library and Archives covering fourteen (14) counties: Bledsoe, Clay, Cumberland, DeKalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Sequatchie, Smith, Van Buren, and White. Each county is represented by two (2) members on the regional library Board (TCA 10-5-101). Members shall serve for a term of three (3) years. A member shall represent and reside in the county from which the member was elected. If a member moves from the county, the member vacates his/her office. The Commission shall fill any vacancy. Members shall be elected for no more than two (2) successive terms. A member of the regional board may also serve as a member of the local county board. Each member of the regional board who is not a member of the local board is an ex-officio member of the county board (TCA 10-5-102).

**19.30 Cumberland County Library Board.** The Cumberland County Library Board is appointed by the Commission, and consists of seven (7) members. Not more than one (1) official from the county may serve on the Board. The members shall serve without salary for terms of three (3) years. Not more than five (5) members shall be of the same sex. (TCA 10-3-103)

**19.31 County Medical Examiner.** A county medical examiner shall be appointed by the County Mayor, subject to confirmation by the Commission. A county medical examiner shall be a physician duly licensed in Tennessee. The county medical examiner shall serve a five (5) year term and may be reappointed by the County Mayor, subject to confirmation by the Commission (TCA 38-7-104).

**19.32 Cumberland County Museum Committee.** The Cumberland County Museum Committee was created by Resolution 207-5, dated February 20, 2007 - Minute Book 45, pages 59-60. The committee is composed of five (5) members, all of whom must be Cumberland County residents. The committee is charged with the oversight, management, up keep, and generally all aspects of any and all museums now or in the future operated by Cumberland County or historical exhibits located in county owned buildings. The committee is composed of the following: one (1) Commissioner, County Mayor or designee, Cumberland County Historian, one (1) local educator, and one (1) active member of a veteran service organization. The members are nominated by the County Mayor, subject to confirmation by the Commission. The terms of committee members are to be four (4) years.

**19.33 Notaries Public.** There shall be elected by the Commission as many notaries public as they may deem necessary. All notaries must be residents of the county or have their principal place of business in the county.

A person must be a United States citizen or permanent resident to be a notary. The term of office of notaries public shall be four (4) years, such term to begin on the date of the issuance of their commission by the governor. (TCA 8-16-101 and TCA 8-16-103)

**19.34 County Public Records Commission.** The Commission shall create within the county a county public records commission, composed of at least six (6) members. The County Mayor shall appoint three (3) members, subject to confirmation of each appointee by the Commission. Of the three (3) members, one (1) shall be a Commissioner, One (1) shall be a judge of one of the courts of record which holds court in the county, and one (1) shall be a genealogist. The County Clerk and County Register, or their designees, the County Archivist, in counties having duly appointed archivist, and the County Historian shall be ex-officio members of the public records commission. Each elected member of the commission shall hold office during the term for which the member was elected (TCA 10-7-401).

**19.35 Purchasing Committee.** This committee is established under the Financial Management Act of 1981. This committee shall establish and approve policies and procedures for the purchasing of all supplies, equipment or goods for the county. TCA 5-21-105 provides that the County Legislative Body may authorize the Financial Management Committee to assume this function. Resolution 10-2011-5, dated October 17, 2011, approved the Financial Management Committee assuming these functions.

**19.36 Cumberland County Regional Planning Commission.** The Cumberland County Regional Planning Commission consists of nine (9) members. The number of Commissioners serving must be less than a majority of the Planning Commission. Not less than a majority of members of the Planning Commission shall hold no salaried public office or position whatever. Each person shall be nominated in writing by the County Mayor, subject to confirmation by the County Commission. The term of any Commissioner shall be coterminous with such Commissioner's then term as a Commissioner. The term of other appointed members shall be four (4) years. The number of members of the Planning Commission shall be set by the County Commission, but shall be not less than five (5) nor more than fifteen (15). (TCA 13-3-101)

**19.37 Solid Waste Regional Planning Board.** The Board is created pursuant to the authority contained in TCA 68-211-813, and resolution 1192-5, dated November 16, 1992, of record in Minute Book 33, pages 70-71. The Board is composed of seven (7) members serving for six (6) year terms.

**19.38 Tri-County Authority.** The corporation is created pursuant to the authority contained in TCA 7-53-301 and an Interlocal Cooperation Agreement between the counties of Cumberland, Morgan, and Roane. The Board of Directors is composed of nine (9) members serving without compensation for six (6) year terms. Three (3) members are from each county.

**19.39 The Industrial Development Board of The County of Cumberland.** A public corporation was created to act on behalf of the City of Crossville and the County of Cumberland, Tennessee, pursuant to the authority contained in TCA 7-53-301 and TCA 6-2817, on April 17, 1975.

The Charter, approved by the State of Tennessee on April 30, 1975, requires a Board of Directors, composed of eleven (11) directors serving without compensation for six (6) year terms. Four (4) directors are to be appointed by the City of Crossville, four (4) directors are to be appointed by the County of Cumberland and three (3) directors are to be appointed jointly.

## **RULE 20 - TRAVEL POLICY**

**20.1 Travel Policy.** The County Commission adopts the following policy in regard to officials and employee travel:

**20.11 Authorization.** Travel may not be undertaken unless authorized in advance by an employee supervisor.

**20.12 Mileage Rate.** Mileage for properly authorized travel on official County business shall be reimbursed at the most recent standard mileage rate established by the Internal Revenue Service.

**20.13 Meals.** Meals for properly authorized travel on official County business shall be reimbursed on a per diem rate of \$46.00 per day for overnight stay. Employees, who do not regularly travel out of County and are away from their official station on County business during normal mealtime, shall be reimbursed at a rate of \$10.00 for breakfast, \$13.00 for lunch and \$23.00 for dinner. Normal mealtime for breakfast shall be defined as between 5:00 A.M. and 8:00 A.M.; lunch shall be defined as between 11:00 A.M. and 2:00 P.M.; and dinner shall be defined as between 6:00 P.M. and 9:00 P.M. No receipts are required to be submitted.

**20.14 Parking Expenses.** Charges for parking expenses incurred for properly authorized travel on official County business shall be reimbursed at a maximum rate of \$10.00 per day. Receipts are required if the rate exceeds \$10.00 per day.

**20.15 Lodging.** Lodging for properly authorized travel on official County business shall be reimbursed at the actual cost incurred. Lodging may be at or near the site where the conference/training program is being held. Lodging reimbursement shall not exceed the lowest established rate for a single occupancy room (or a double occupancy room if shared with another employee) for the hotel. Lodging receipts are required and must itemize room charges and taxes by date.

**20.16 Other Business Expenses.** Other reasonable County business expenses will be reimbursed when authorized. Employee must provide a receipt and a statement explaining the expense.

**20.17 Out of State Travel.** Out of state travel must be approved in advance by the Financial Management Committee of Cumberland County.

**20.18 Claims for Reimbursement.** Employees should submit claims for reimbursement for travel expenses no later than thirty (30) days after completion of travel using forms provided by the County Finance Department.

## **RULE 21 - MISCELLANEOUS**

**21.1 The Press.** Newspaper reporters and other news media are encouraged to attend; however, neither personnel nor equipment shall interfere with the orderly procedure of the Commission meeting.

**21.2 Conflict of these Rules with the Law.** In case any of these rules conflict with the state or federal law, that part in conflict shall be null and void.