

approved  
Sept. 2005

Raameth Ward - 1-26-05  
County Clerk

**Rules of Order and Procedure**

**The Benton County Commission**

The following general rules of order will be observed by the Benton County Commission:

At the beginning of each four (4) year commission term, the Commission shall adopt Rules of Order and Procedure for the Commission and standing committees. These rules shall comply with the laws of the State of Tennessee and be consistent with the latest revision of the Tennessee County Government Handbook, published by the University of Tennessee County Technical Assistance Service. The Commission shall publish "Rules of Order and Procedure" for the Benton County Commission and provide copies for the Commissioners and the public. The Commission shall review the "Rules of Order and Procedures" periodically and consider revisions.

Commissioners shall elect a chairperson and chairperson pro tempore. The election shall occur in the first meeting (September) following election of a new commission and shall be repeated annually. The Commission Chairperson may be the County Executive or a member of the Commission. If a Commission member is elected Chairperson of the Commission, he/she shall be paid two times (2X) the rate (\$-mtg) paid to regular Commission members. For additional detail, refer to the Tennessee County Government Handbook, published by CTAS.

The Legislative body shall meet on the third (3<sup>rd</sup>) Monday night of each month at 6:00 PM at the Courthouse or such time, date or location as the legislative body shall designate. If the regular meeting falls on a holiday, the meeting will be held on the following day, same time and location. If the time, date and location of the regular meeting is to be changed, the Legislative body must vote on the change the meeting prior to the proposed changed meeting date. A majority vote is required. No per diem shall be allowed to any member absenting himself without permission of the Legislative body.

Commissions shall be paid seventy-five dollars (\$75.00) for each commission meeting attended.

The County Executive and Commission chairperson shall prepare and distribute an agenda for commission meetings at least five (5) days prior to the Commission meetings.

The Sheriff (or his designate) shall serve as Sargent-at-arms at all Commission meetings and will function at the direction of the Commission Chairperson to maintain order.

A simple majority of commission members, ten (10) of eighteen (18), shall constitute a quorum for conducting meetings. The order of roll call voting by the Commission shall be rotated each month during the year, (i.e., January - 1st district votes first, February - 2<sup>nd</sup> district votes first, etc.).

Written copies of all resolutions shall be provided to the Commissioners five (5) business days in advance of meetings in order to receive consideration by the Commission. The Commission must agree to suspend this rule in order to consider a resolution that does not meet the prior distribution requirement.

All resolutions or other action by the County Commission that require budgetary action shall be reviewed by the Budget Committee prior to action by the Commission. (Approved by Commission on 1-30-95).

The following shall be the order of business:

- A. Called to order by Chairman. In the absence of the Chairman Pro-tempore will preside. In the absence of the Chairman Pro-tempore, the Clerk will open the court.
- B. Opening of the meeting by the Sheriff (or his designate).
- C. Prayer (Rotation of ministers from each district).
- D. Pledge of Allegiance.
- E. Roll call by County Clerk.
- F. Announcing of quorum by County Executive.
- G. Approval of agenda.
- H. Approval of minutes of previous meeting.
- I. Committee reports.
- J. Special department reports.
- K. Appointment of Committee Members.
- L. Resolutions.
- M. Any other business.
- N. Appointing of notaries.
- O. Open floor to public. Five (5) minutes will be allowed to each speaker.
- P. Adjournment.

When any member desires to speak in debate, discussion or deliver any address on any matter whatsoever to the Board, the member shall rise and respectfully address the Chairman and shall, after being recognized by the Chairman proceed with the intended remarks, confining remarks strictly to the question under debate, and avoiding any language which would constitute a

personal attack. NO member of the legislative body shall speak longer than five (5) minutes on any pending subject.

While a member is speaking he/she is not to be interrupted, except for a question by another member. If the speaker declines to yield the floor for a question, then he/she shall not be interrupted except for a point of order, but shall yield to questions at the end of the presentation.

Any member of the Court may change his/her vote before the results 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 if anyone who has voted wishes to change his/her vote. Then, the results shall be announced.

All matters not covered herein shall be governed by Roberts Rules of Order revised, as contained in the latest copyrighted edition or act of the Legislature.

The following Committees are authorized by the Legislative Body:

1. Budget Committee
2. Law Enforcement Committee
3. Highway Committee
4. Property Committee
5. Insurance and Special Committee

The following rules shall apply to the standing committees of the Benton County Commission: five (5) standing committees shall be recommended by the County Executive and confirmed by the Benton County Commission.

1. Budget Committee - This committee would combine the function of the previous committees on Budget and Finance. This committee would also assume the responsibility for approval of the annual budget for all county departments and long range planning for future projects.
2. Law Enforcement Committee - This committee combines the function of the previous Law Enforcement Committee and proposed new committees for Fire Protection and Emergency Communication.
3. Highway Committee - This committee is responsible for the County road list and any additions or deletions from that list, as well as reviewing the roads to make sure they meet all specifications. This committee will also open and approve all bids for the Highway Department.

4. Property Committee - This Committee is responsible for the airport, all county buildings, and the development of the plans for future construction, as well as oversight of the Parks and Recreation Board.
5. Insurance and Special Committee - This Committee shall study the insurance needs of the County and its employees including health, property and liability insurance. This committee shall open and approve all insurance bids which shall then be submitted to the entire body for final approval. This committee shall also assist other committees on any subject as directed by the County Executive.

The Commission Chairperson shall recommend membership for standing committees by the first meeting (September) following the seating of a new commission. Committees shall be appointed to a four (4) year term by the recommendation of the County Executive and confirmed by the Benton County Commission.

Five (5) commissioners shall be appointed to each standing committees, with the exception of the Insurance and Special Committee will have seven(7) members. Standing committees shall meet and elect a chairperson, vice-chair and secretary and establish meeting schedule, and discuss agenda items.

All Standing Committees shall meet once a month unless notified by the County Executive that there is no business to be conducted.

Reimbursement for committee meetings shall be \$37.50 per meeting.

In order to conduct a Committee meeting, a quorum, consisting of three (3) members of the committee membership must be present.

Each standing committee shall identify and adopt an agenda of activity that responds to the needs of the County. Standing committees shall develop information to define needs, obtain appropriate resource help as needed to complete studies, and recommend solutions to the Commission. Reports shall be made at each regular meeting of the Commission by committee chairs of each of the five (5) standing committees. Reports should include description of committee agenda, priorities, proposed activity, and timeliness for making recommendations, etc. See attached Proposed Agenda Items for Standing Committees Benton County Commission. It is the duty of the Secretary of each

standing committee to record the minutes of the meetings and give the original copy (signed by the Secretary and Chairman) to the County Court Clerk to record in the minutes of the court. The Secretary will make copies for each commissioner and distribute.

When a "Special Committee" is appointed, the Commission Chairperson shall convene members of the special committee prior to the next regular Commission meeting for the purpose of electing a chairperson and establishing the special committee agenda. Subsequent meetings will be scheduled by the chairperson of the special committee. When the work of the special committee is complete and a final report is made to the Commission, the special committee shall be dissolved. No special committee will be appointed for any purpose when there is a standing committee on the same subject.

The role and jurisdiction of a committee is to investigate and study matters, provide information and present recommendations to the Board, as generally described in the title of the committee and/or 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 chairman of the board for determination, subject to an appeal to the Board at its next regular meeting.

**Proposed Agenda Items for Standing Committees  
Benton County Commission**

**Budget Committee:**

Work cooperatively with all departments of County government and resource groups to develop annual budget proposals and provide recommendations for funding.

Update the Rules of Order as necessary.

Review all requests for budget transfers and allocation of funds from reserve accounts and recommend action by the Commission.

Develop a five (5) year plan for managing capital needs and assets, including:

- funding options for anticipated capital improvements (i.e., school improvements, civic center/office complex, etc.)
- State of Tennessee fixed assets program

**Law Enforcement Committee:**

Consider and recommend programs to:

- provide for development, personnel, and improvement of equipment and facilities of the County jail.
- maintain certification of Benton County jail.
- Identify and respond to major crime problems in Benton County, i.e., drug production, transport and resale, etc.

Investigate and recommend a program to provide county-wide fire protection through coordinated volunteer fire departments in Benton County. Provide coordination to:

- encourage standardization of procedures
- encourage location of fire halls to ensure uniform county-wide coverage, and
- provide review and recommendation for funding requests

Consider and recommend programs with regard to the Benton County Animal Shelter.

**Highway Committee:**

Work cooperatively with the County road supervisor to:

- develop and recommend a schedule for road and bridge improvements.
- participate in planning road improvement projects, including: installation of road signs, identification, classifications and maintenance of all county roads.
- develop and recommend a system of maintenance management for Highway Department equipment and project replacement schedules.

**Property Committee:**

Develop plans for management of county buildings, including: maintenance, expansion or improvement, or demolition, etc. Consider development of County Maintenance Team for maintenance management for all County building property.

Consider needs and options for construction of new facilities (i.e., Civic Center, Library, County Offices, etc.) and develop recommendations for the Commission including priority, location, and funding options.

Work cooperatively with resource agencies and other interested groups to ensure that high quality airport facilities are available in Benton County. Consider opportunities for airport improvements and make recommendations to the County Commission.

Work cooperatively with the UT Agricultural Extension staff to ensure support/development of agricultural resources in Benton County.

Work cooperatively with the Chamber of Commerce, the Industrial Board, and commercial/industrial interests to encourage and manage industrial development in Benton County (i.e., develop and recommend appropriate in-lieu of tax policy, etc.).

Provide recommendations for long range development in Benton County Industrial Park including:

- standards for siting and construction within the park
- general park requirements, including general grounds maintenance (weed and erosion control), entrance sign, hunting, etc.
- future developments, including road improvements and phase II development

**Insurance and Special Committee:**

Study the feasibility of the County becoming self-insured.

Determine specifications for bids for **all** County insurance.

Assist any committee on any subject as directed by the County Executive.

Points of Order: If any member, speaking or otherwise, violates the Rules of the body, the Chairman must, or any member may, call to order, in which case the member called to order must immediately sit down. When the point of order is decided by the Chairman the member having the floor will proceed, subject to the decision made.

Appeal of Ruling: Any member of the Body may appeal to the Body from the ruling of the Chairman. A majority vote of the members present will decide the appeal.

Suspending the Rules: Any rule or rules may be suspended by a two-thirds (2/3) majority vote of the entire body.

Order of Recognition: Before a member is allowed to speak twice on the same subject, the Chairman must inquire if there is another member who has not spoken on that subject and who wishes to speak.

Quorum Requirements. Every member of the county legislative body is required to attend each and every session of the body. (5-5-106) A majority of the members of the county legislative body constitutes a quorum for transacting all business by the body in regular or special session. (5-5-108) A majority of all the members constituting the county legislative body, and not merely a majority of the quorum, is required to transact all business coming before the body in regular or special meetings. The majority referred to in this statute is a majority of the actual membership of the body at the time and not a majority of the total authorized membership. (5-5-109)

All business for action of the county legislative body must be presented to the chairman, who will announce it to the body and will take the vote on it. The body must not act on any business not presented to the chairman, unless the body decided to do so by majority vote of those present at the session. (Tennessee code 5-5-110)

All Resolutions calling for appropriations must be in the hands of the Budget Committee six (6) business days before the County Legislative body meets, all committees of the Legislative body not specified by law shall be appointed by the Chairman of the Legislative body. (Subject to Tennessee code annotated 5-6-106 para. B & C.)

Any board or committee appointed by the legislative body shall be governed by the same rules and laws as the legislative body.

If any of the above rules of order shall be declared unlawful, it shall not affect the legality of the remaining rules.

It will require a two-third (2/3) vote to adopt the rules and when rules are adopted, it will take a two-third (2/3) vote to amend.

The county legislative body asks the County Executive to send each member of the legislative body a copy of these rules.

if the county legislative body is equally divided on a vote, then and only then, may the chairman cast the deciding vote. (Tennessee code 5-5-109)

To lay on the table a motion, it must have a second, cannot be debated or amended and takes a majority vote to pass. If a question is not taken from the table during the same session of the body, it lapses and is a dead motion.

**Additional Rules of Order**  
**(approved 12/21/98)**

1. A resolution that has been voted on by the legislative bod and denied, cannot be placed on the court agenda, or a motion be made from the floor, for (120 days) or four (4) consecutive meetings.
2. A motion/resolution that has been tabled and referred to a committee for consideration, shall not be considered until the referring committee has given their recommendations.
3. A motion shall be limited to one amendment from the floor.
4. All resolutions shall be sponsored by the prospective Committee or the County Executive, Sheriff, Road Superintendent or Director of Schools.
5. If any commissioner is absent from his committee meeting for more than three (3) consecutive regularly scheduled meetings, by the request of the chairman of his committee, the County Executive shall replace such commissioner.