

**INTERNAL OPERATING RULES OF THE
MONTGOMERY COUNTY BOARD OF COMMISSIONERS**

III

August 19, 2021

RULES OF THE BOARD OF COUNTY COMMISSIONERS

RULE I

MEETINGS

The Montgomery County Board of Commissioners shall convene in an informational meeting on the first Monday of each month at 6:00 p.m., Central Standard Time (or on the first Tuesday if that Monday falls on a holiday). The purpose of the informal meeting is to gather information.

The Montgomery County Board of Commissioners shall convene in a formal meeting on the second Monday of each month at 6:00 p.m., Central Standard Time.

The chairman shall determine when the meeting is to be held.

If a quorum is not present, the chairman or the clerk shall adjourn the board over until a subsequent day, making proper records on the minutes.

No per diem shall be allowed to any member for a meeting adjourned because a quorum is not present.

RULE II

ORDER OF BUSINESS

INFORMAL MEETING

The following shall be order of business for the Informal meeting:

- (a) Opportunity for citizens to address the commission
- (b) Call to order
- (c) Public hearing on zoning resolutions (report/recommendation from the Regional Planning Commission and public comments)
- (d) Resolutions (information from sponsors)
- (e) Old Business
- (f) Reports from Committees
- (g) Elections - Nominations and appointments
- (h) Reports filed

- (i) Announcements (without deliberation)
- (j) Adjourn

Anyone wishing to address the commission must sign a request form at the County Mayor's Office at least seventy-two (72) hours prior to the Informal meeting. The request shall include a brief outline of the presentation. Speaking time will be limited to three (3) minutes, unless otherwise decided upon by the chairman.

ORDER OF BUSINESS

FORMAL MEETING

The following shall be order of business for the Formal meeting:

(a) Call to order. (The chairman shall signal the sheriff, or his duly assigned deputy, to give the call to order. In the absence of the chairman, the signal shall be given by the chairman pro tempore, and in his/her absence, by the county clerk who shall immediately ask for an election of a temporary chairman to act in the absence of the chairman and the chairman prop tempore.)

- (b) Pledge of allegiance.
- (c) Invocation.
- (d) Roll call.
- (e) Vote on zoning resolutions.
- (f) Vote on Consent Agenda – resolutions, minutes, reports, nominations, appointments
(Resolution 20-4-11)
- (g) Vote on other resolutions.
- (h) Unfinished business.
- (j) Reports filed carried over from Informal and new reports filed
- (k) Elections.
- (l) Announcements (without deliberation).
- (m) Adjourn (by sheriff, or his duly assigned deputy).

RULE III

FLOOR PROCEDURE

(a) Any member wishing to address the Board shall seek recognition by the chair who shall recognize such member by name, and no member shall proceed to speak until so recognized.

(b) No person, not a member of the Board, may address the Board except by a majority consent of all the members present.

(c) No member who has spoken on any subject before the Board shall be allowed to call for the previous question until the members desiring to speak have had an opportunity of doing so.

(d) When any resolution or motion has been presented to the Board, and an amendment or amendments to same have been offered, and after such amendment or amendments, a motion to table shall not take with it the original resolution or motion.

(e) All discussion must cease after a motion to lay on the table is made and properly seconded.

(f) At the conclusion of the vote on any resolution, a member may change his vote, provided he does so prior to the announcement by the chair of the result of the vote.

(g) No vote on any resolution may be rescinded at the meeting on the passage of the resolution;

(1) Except by a two-thirds vote of the members present and voting, and

(2) The maker of the motion to reconsider shall have voted with the majority.

(h) Roll call for ayes and nays shall be ordered when called for the three or more members. However, the Clerk shall call the roll on all appropriations.

RULE IV

RESOLUTION PROCEDURE

(a) All resolutions shall be filed in writing with the County Clerk as hereinafter provided before the same can be entertained by the Board of Commissioners for action.

(b) Resolutions for specific capital outlay funding and/or amended budgetary requests shall include the following steps:

Step 1. Prepare a comprehensive plan of the proposed project to be funded, identity of affected areas, essential backup data including realistic estimated costs itemized by categories.

Step 2. Initiate informal conferences with key personnel of the Montgomery County Board of Commissioners pertaining to the availability of funds.

Step 3. Submit to the Montgomery County Board of Commissioners an appropriate resolution requesting funding of architectural fees through the program phase and approval of intent to fund the proposed project.

Step 4. After the program phase is completed, submit to the Montgomery County Board of Commissioners information on architect's cost estimates for the completed project and an appropriate resolution for architectural fees through the schematic design phase.

Step 5. After the schematic design phase is completed, submit to the Montgomery County Board of Commissioners information on architect's cost estimates for the completed project and an appropriate resolution for architectural fees through the design development phase.

Step 6. After the design development phase is completed, submit to the Montgomery County Board of Commissioners information on architect's cost estimates for the completed project and an appropriate resolution for architectural fees through the bidding phase. The agency or department shall secure the required bids with the stipulation of the right to reject any or all bids.

Step 7. If bids are acceptable, submit the appropriate resolution required for funding. This portion was taken out as of 2009.

(c) It is the intent of the Board of Commissioners that most resolutions shall be reviewed by the appropriate committee. To accomplish this, the County Mayor is to refer resolutions to the appropriate committee as soon after filing as practicable. It is also the intent of the Board that committees reviewing resolutions give a specific recommendation regarding the resolutions at the informal board meeting after the resolution is received by the committee.

(d) All agendas and resolutions must be delivered to the commissioners electronically no later than five (5) business days prior to the Informal meeting. All resolutions must be signed by the person sponsoring the resolution and by a County Commissioner.

(e) All resolutions must be physically accompanied by the person who sponsored the resolution at the time the resolution is presented to the Board of Commissioners. This person should be capable of answering questions about the purpose and effect of the resolution at the informal and formal meetings.

(f) All resolutions must bear the date of filing, the assigned resolution number and the signature of the Clerk or Deputy Clerk who receives the same.

(g) All resolutions must be presented to the Budget Committee.

(h) During the resolution process outlined herein, after presentation to the Budget Committee, the resolution will go to the Chair for presentation next at the Informal session, and then at the following Formal voting session of the Board of Commissioners. Amendments,

modifications, and corrections of errors may be made to the resolution after the Budget Committee review and those will appear in “**REDLINE**” version at the Informal session as notice of these changes. No amendment of the proposed resolution from its form leaving the Budget Committee is necessary. The “**REDLINE**” version of the resolution at the Informal session will be the resolution presented at the Formal session.

RULE V

COMMITTEES, BOARDS, COMMISSIONS AND AGENCIES

The rules pertaining to the structure, organization, functions, operation and membership of the various standing and ad hoc committees of the Montgomery County Board of Commissioners and of the various boards and commissions of the county government, are set forth in a resolution adopted by this Board of this date, and the provisions of said resolutions are made a part of these rules and incorporated herein by reference.

RULE VI

These rules may be suspended only by a 2/3 majority vote.

RULE VII

The County Attorney shall act as parliamentarian for all formal meetings of the Montgomery County Board of Commissioners.

RULE VIII

RULES OF PROCEDURE FOR THE FILLING OF VACANCIES BY THE COUNTY LEGISLATIVE BODY

1. The County Clerk shall provide notice to every member of the county legislative body of the need to fill the office or vacancy.
2. The presiding officer of the county legislative body 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 of the body at which the office is to be filled, notifying the public of the vacancy or opening and specifying the office or offices to be filled at the meeting.
3. Registered voters of the county shall be allowed an opportunity to submit names to the county legislative body for consideration. Such names may be submitted in writing to the chair prior to the meeting or may be submitted in person at the meeting.
4. In order for a name to be considered, a member of the county legislative body must subsequently nominate the person. Members of the county legislative body may also nominate a candidate or candidates to fill the office or vacancy without such name being submitted by a voter. All such nominations do not require a second. If the person nominated is not present at the meeting, the person making the nomination shall submit a signed statement from the nominee that the nominee is willing to serve in the position if appointed. All nominees shall be required to accept their nomination before being considered for appointment by the county legislative body.
5. Should a member of the county legislative body accept a nomination for a position or vacancy to be filled by the county legislative body, the member shall be prohibited from voting on the appointment or any motions or resolutions relative to making the appointment until the position is filled. If a member of the county legislative body is subsequently appointed to the position such member shall immediately resign from the county legislative body upon accepting the appointment. If the member does not receive the appointment, the member shall not be required to resign and may continue the member's duties on the county legislative body upon the conclusion of the vote on the appointment.
6. After nominations cease, the county legislative body may discuss the nominations and may, at the discretion of the chair, interview nominees or allow nominees the opportunity to address the county legislative body for a maximum of five (5) minutes.
7. Upon motion passed by the majority of the members, the vote to make the appointment may be postponed to a subsequent meeting, provided that adequate public notice of the meeting is given in the accordance with Title 8, Chapter 44 (Sunshine Law).
8. To receive an appointment:
 - the nominee must receive the votes of a majority of the members of the county legislative body eligible to vote on the appointment, i.e., one more than half of the voting assembly.

- In the case of multiple nominees where no nominee receives a majority of the vote after the initial vote the county legislative body shall follow *Robert's Rules of Order* for the first five rounds of voting, if necessary.
- If a sixth round of voting shall be required, any candidate receiving zero votes in that round shall be eliminated.
- If after the sixth round of voting no nominee receives a majority of the vote after three additional tallies all remaining candidates shall be eliminated save the top three places.
- If three candidates or places remain eligible and subsequently no nominee receives a majority of the vote after three additional tallies, then, in such case, only the remaining top two vote places shall be considered.
- If no winner is determined after three rounds of voting on the remaining two candidates, the County Mayor shall break the tie after said third round of tie voting.
- If the Mayor is unable to break a tie to decide a majority, the Commission will continue voting until a majority vote is achieved.
- The floor shall be open for discussion among members of the Commission if no winner is determined after three rounds of voting on the final two candidates. Any candidate may withdraw at any time during the voting process.

After the conclusion of every official vote, the Chair will ask if anyone wants to change their vote before the official vote is tallied. All votes shall be placed on a pre-printed ballot and read aloud by the County Clerk upon receipt and opening charted for public inspection.

RULE IX

GRANTS PROCEDURE

All grants must be approved by Resolution of the County Commission stipulating the following:

(1) The required amount of any local funding and if a multi-year grant, the local funding for each year.

(2) Any requirements agreed to by the acceptance of the grant, including any requirements for continuation after expiration of the grant.

(3) If the grant does not require that the program continue upon expiration, a request for local funding to continue the program must be stated as being “the intent of the commission to continue the program and provide local funding”.

The respective committee of the grant recipient must make its recommendation to the Budget Committee for approval of grants before submission to the County Commission.

RULE X

COMMISSION MEETING(S) DECORUM

1. The Chairman of the Montgomery County Commission shall preserve order and decorum and speak to the points of order in preference to other members. The Chairman will have the authority to enforce the Commission’s guidelines for decorum in keeping with all applicable Federal, State, and Local laws.
2. The Chairman shall supervise the preparation of the agenda under the general direction and rules established by the Montgomery County Commission in accordance with the authority granted thereunder and consistent with Federal, State, and Local laws.
3. The “Sergeant at Arms”, a Montgomery County Deputy, shall in the case of any disturbance or disorderly conduct in the gallery or lobby of the chambers, at or near the time of the meeting, shall have the power to preserve order in the Chambers consistent with Federal, State and Local law.

4. All visitors and spectators shall have full access to the gallery so long as they preserve order consistent with all applicable Federal, State, and Local laws. No person other than Commissioner's and the County Staff shall be allowed on the Commission floor during its session unless requested to appear by the Chair or the Commission as allowed by its rules.
5. No person, excluding Montgomery County staff and elected officials, will be allowed to deposit or present documentations, materials, publications, or other articles on the desks or the areas of the Commission floor without prior approval by the Chair, or Sergeant at Arms, who, upon approval, shall obtain copies of the same and cause the same to be distributed by members of the Montgomery County staff to each Commission member in a manner consistent with the dignity of the proceedings. Individuals wishing to distribute materials will be notified by the following: Individuals that choose to address the Commission during the public comment period will be advised of distribution rules on the official form that is required prior to addressing the Commission. The chair will announce at every meeting, that any speakers requesting information be distributed, as outlined above, shall provide copies to the Sergeant at Arms for distribution.
6. An area will be designated within the Montgomery County Commission Chambers for the use of audio and video recording devices by the press and others which will provide ample position and opportunity to record by audio and video means the official business of the Commission while in session.
7. No live broadcast from within the Commission Chambers of its proceedings in whole or in part is allowed. A simultaneous broadcast of the proceedings is available on the internet at "YouTube" and the same is preserved there for an extended period.
8. The area designated for the press and others who wish to make audio or video recordings will be designated by the Chair and the Sergeant at Arms will direct persons so identified to this area. Only in this area will the presence of audio and video recordings be allowed.

**GENERAL PROVISIONS APPLICABLE TO ALL
COMMITTEES, BOARDS AND COMMISSIONS**

IV

(1) Governing Authority. Statutory or other legal provisions emanating from authority higher than that of this board will take precedence and be followed, the provisions of this resolution of other resolutions of this board to the contrary notwithstanding.

(2) Applicability of Provisions of this Section. The provisions of this Section I of this resolution shall apply to all county committees, boards and commissions operating jointly with some other governmental body or other entity. The word “committee” shall be taken to include the words “board” and “commission”.

(3) Meetings.

(a) Members shall be notified of the place, date and time of all regular and special meetings at least five (5) days in advance thereof, except in an emergency, in which case notice shall be given as soon as possible after the decision to call a meeting has been made.

(b) Special meetings may be called by the chairman or by a majority of the members of a committee, unless otherwise provided.

(c) A majority of the members of a committee, board or commission must be present at the meeting in order to constitute a quorum for the transaction of business. All matters and issues shall be decided by a majority of those members present and voting, unless otherwise provided for by law or other higher authority.

(d) It shall be the responsibility of the Chair of the Committee to see that adequate minutes of the proceedings of each meeting are kept.

Such minutes shall include at least (1) the names of all persons, members and others in attendance, and the names of all absent members; (2) actions taken or decision made; (3) the tabulations of votes taken, and (4) an account of the discussion and argument that will be sufficient to clarify the issue under consideration and the ultimate position taken by the committee. All minutes must be prepared and filed in the office of the County Mayor within a reasonable time after the date of the meeting.

(e) All committee meetings and notices thereof shall be in compliance with the “Sunshine Law” (TCA 8-44-101 through 8-44-106). Under these statutes, all meetings of any governing body are declared to be public meetings open to the public at all times. “Governing body” is defined as “the members of any public body which consists of two (2) or more members, with authority to make decisions or recommendations to a public body on policy or administration. “Meeting” is defined as “the convening of a governing body for which a quorum is required in order to make decisions or to deliberate toward decisions on any matter.”

(f) Rules of procedure shall be governed by Roberts Rules of Order, Revised.

(4) Committee Organization. The first order of business of the first meeting of the committee after the annual election or appointment of its members shall be to elect a chairman. The officers of the committees, boards and commissions shall have the powers, privileges and responsibilities usually appertaining to their respective positions, and as may be assigned by

resolution of the board of County Commissioners. The committee may assign other specific authority and responsibilities to its officers not inconsistent with the law and resolutions of the board of County Commissioners.

(5) Terms. The Board feels that reasonable turnover of the membership of committees will tend to stimulate interest in committee work. Therefore, a limitation on the number of consecutive full terms to be served by a member is set forth under each committee description in Section II of this resolution. Also, in order to provide continuity of experience, unless otherwise provided for the terms of committee members are to be staggered also as noted under the description of each committee. Members shall serve until their successors are duly elected and qualified. Terms of the elected members of committees, boards and commissions shall be coterminous with their elected terms of office.

At least one member of each committee shall be a member of the board of County Commissioners unless prohibited by law.

(6) Vacancies. Any member of a committee, board or commission who is absent from three (3) meetings in succession, except in case of illness or other extenuating circumstances in the judgment of the chairman, will be considered as having vacated his or her membership. The chairman of the committee will notify the chairman of the nominating committee or the County Mayor after the third "missed" meeting for a replacement.

In the event of a vacancy on a committee, board or commission, the chairman of the committee shall report the vacancy to the nominating committee (or to the County Mayor if the committee is one whose members are appointed by the County Mayor), and as soon as practicable thereafter a replacement shall be elected (or appointed) to fill the unexpired term of the vacating member. The unexpired term is not counted against that member for the number of terms that person may serve.

(7) Update: It shall be the duty of the chairman of the Rules Committee to inform the secretary of the County Mayor in order to update and record any changes in any part of the committee of Montgomery County Government.

(8) Compensation of Members.

(a) Unless prohibited by law, or unless otherwise provided, members of county committees, boards and commissions shall be entitled to compensation in an amount equal to one-half the amount of the per diem compensation paid to county commissioners for their attendance at regular Board of County Commission meetings, for attending and participating in a committee meeting, but not more than twenty-four (24) meetings per committee per fiscal year, except for the School Liaison Committee which will be compensated for up to thirty-six (36) meetings per fiscal year.

(b) Such entitlement extends to committee members who are or are not members of the Board of County Commissioners.

(c) For a member to be entitled to be paid, attendance shall be defined as physical presence at the meeting such that by Statute the member may vote if a vote is allowed, and that the member shall be present, prepared to vote, and participate no less than fifty percent (50%) of the

total meeting time. Although a member may be present for less than fifty percent (50%) of the total meeting time, and participate as allowed by law, the member will not be compensated for the meeting but will not lose any privileges to participate as allowed by law. This provision shall not apply to Budget Hearings. the meeting attended must be of such reasonable length and the business conducted of such weight and importance as to satisfy a majority of the members of the committee and the County Mayor that compensation is justified.

(d) The Chair shall be the sole judge of whether the member met the minimum fifty percent (50%) attendance time requirement for that meeting. Further, such member's attendance must be noted by the person recording the minutes as well as the time of the arrival and/or departure, for purposes of quorum and the conduct of the meeting as required by Statute. This provision shall not apply to Budget Hearings.

(e) No payment will be authorized to be made to members attending a committee meeting until (1) the chairman has authorized the payment by attesting in writing to the presence of the members at the meeting; and (2) the pay authorization form has been delivered to the Payroll Department.

(9) Ad hoc Committees. In addition to the standing committee provided for in Section II of this resolution, ad hoc committees may be appointed from time to time by the County Mayor to deal with special matters or problems which do not fall within the purview of a standing committee. The life of an ad hoc committee shall be for no more than one (1) year unless it is specifically extended or reactivated by the County Mayor.

(10) County Mayor. Pursuant to the provisions of Section 17 of Chapter 934 of the Public Acts of 1978, and of Chapter 112 of the Private Acts of 1973, the County Mayor is an ex officio member of all county boards, commissions and committees. He shall serve in an advisory capacity without vote, except as may be provided for otherwise by statute or other higher authority.