

DECEMBER 2023 AGENDA

THE HAWKINS COUNTY BOARD OF COMMISSIONERS WILL MEET IN REGULAR SESSION ON DECEMBER 18, 2023, AT 6:00 P.M. IN THE HAWKINS COUNTY COURTHOUSE COMMISSION MEETING ROOM

OPENING OF COURT	SHERIFF RONNIE LAWSON
PRAYER	COMMISSIONER JOSHUA GILLIAM
PLEDGE TO THE FLAG	COMMISSIONER JASON ROACH
CALL TO ORDER	CHAIRMAN MARK DEWITTE
ROLL CALL	COUNTY CLERK NANCY A. DAVIS
CONFLICT OF INTEREST	CHAIRMAN MARK DEWITTE
COMMENDATIONS/RECOGNITIONS	CHAIRMAN MARK DEWITTE
OFFICE REPORTS/COMMITTEE REPORTS	CHAIRMAN MARK DEWITTE
APPROVAL OF MINUTES	CHAIRMAN MARK DEWITTE
PUBLIC COMMENTS	CHAIRMAN MARK DEWITTE

*PUBLIC COMMENTS **MUST** PERTAIN TO THE AGENDA FOR THIS MEETING. ANYONE WHO WISHES TO MAKE A PUBLIC COMMENT SHOULD PLACE THEIR NAME ON THE SIGN-IN SHEET AVAILABLE AT THE FRONT PODIUM. "COMMENTS LIMITED TO THREE MINUTES"*

OLD BUSINESS - POSTPONED RESOLUTION 2023/11/06 – UPDATED RULES OF ORDER FOR THE HAWKINS COUNTY BOARD OF COMMISSIONERS.

COUNTY COMMISSION INFORMATION CAN BE FOUND AT
WWW.HAWKINSCOUNTYCLERK.COM

RESOLUTIONS 2023/12:

- 2023/12/01 APPROVAL TO SURPLUS ELECTRONIC AND SURPLUS EQUIPMENT FROM VARIOUS OFFICES FOR DISPOSAL OR RECYCLING
- 2023/12/02 APPROVAL TO SURPLUS COMPACTORS FROM VARIOUS CONVENIENCE CENTERS FOR DISPOSAL OR RECYCLING
- 2023/12/03 APPROVAL OF DATES, TIMES, AND PLACES FOR THE 2024 MONTHLY REGULAR COUNTY COMMISSION MEETINGS
- 2023/12/04 BUDGET AMENDMENT - GENERAL FUND
- 2023/12/05 BUDGET AMENDMENT - OTHER SPECIAL REVENUE (ARPA) FUND 128 FOR JUSTICE CENTER
- 2023/12/06 BUDGET AMENDMENT – GENERAL CAPITAL PROJECTS FUND
- 2023/12/07 APPROVAL OF NOTARIES PUBLIC

MOTION TO ADJOURN

BUDGET COMMITTEE MEETING 30 MINUTES PRIOR TO COUNTY COURT - (IF NEEDED)
BUDGET COMMITTEE WILL BE NOTIFIED

ADDITIONAL INFORMATION WILL BE POSTED AT
WWW.HAWKINSCOUNTYCLERK.COM
(BEFORE THE NEXT SCHEDULED MEETING)
IF YOU HAVE ANY QUESTIONS, PLEASE CALL 423-272-7002
DURING NORMAL BUSINESS HOURS

**OLD
BUSINESS**

RESOLUTION

No. 2023/11/ 06

To the HONORABLE Mark DeWitte, Chairman, and Members of the Hawkins County Board of Commission in Regular Session, met this 27th day of November 2023.

RESOLUTION IN REF: **UPDATED RULES OF ORDER FOR THE HAWKINS COUNTY BOARD OF COMMISSIONERS.**

WHEREAS, on September 26, 2022, the Hawkins County Board of Commissioners adopted a document setting forth an updated version of the Rules of Order for themselves, and

WHEREAS, said document, upon review, needed a number of housekeeping type edits and needed a section referring to the new rules the state had imposed concerning meeting notices which are noted in red on the attached document, and

WHEREAS, all governing bodies are in need of rules of order to be followed in conducting business, and

WHEREAS, the Personnel Committee, using guidelines suggested by the County Technical Assistance Service, has reviewed and recommends the attached new Rules of Order for the Hawkins County Board of Commissioners, now

THEREFORE, BE IT RESOLVED, that the Hawkins County Board of Commissioners approve the updated rules of order attached, and that such Rules of Order are adopted and in effect as of this date of approval, and thereby replace the Rules of Order approved in 2022.

Introduced By Esq. Nancy Barker, Chair, Personnel Comm.

Seconded By Esq. Tom Kern

Date Submitted 11-13-23

Nancy Barker
County Clerk

By: _____

Mark DeWitte
Mayor
Mark DeWitte, County Mayor

ACTION: AYE NAY PASSED

Roll Call _____

Voice Vote _____

Absent _____

COMMITTEE ACTION

Postponed Until Next meeting
Motion by Larry Cloncy
Seconded by John Gibson
Mayor's Action: Approved _____ Veto _____

RULES OF ORDER FOR HAWKINS COUNTY BOARD OF COMMISSIONERS

HAWKINS COUNTY, TENNESSEE

I. ROBERTS RULES OF ORDER

If any questions shall arise which is not provided for in these rules, the same shall be governed by the current updated version of Robert's "Rules of Order" which is hereby adopted.

II. ACT OF THE STATE OF TENNESSEE

In case any rule shall conflict with an Act of The State of Tennessee, the Act shall govern.

III. ELECTION OF THE CHAIRMAN AND CHAIR PRO TEMPORE OF THE COUNTY GOVERNING BODY

The Chairman and Chairman Pro Tempore of the County Governing Body are elected by majority vote of the membership of the County Governing Body annually at the September meeting of the body.

IV. DUTIES OF THE COUNTY CHAIRMAN:

- A. At the precise hour to which the Board of Commissions shall have gathered, the County Sheriff shall proceed to a point in front of the Chairman's dais and announce to the member of the Board of Commissioners assembled "All rise --- this Board of Commissioners for Hawkins County, Tennessee is now in session, the Honorable _____, presiding. Be seated and direct your attention to the Chair."
- B. The Chair shall preserve order and decorum and may speak to points of order in preference to other members.
- C. The Chair shall conduct the business of The Governing Body in the following order:
 - 1) Opening of Court by Sheriff
 - 2) Prayer
 - 3) Pledge to the Flag
 - 4) Call to Order

- 5) Roll Call
- 6) Conflicts of Interest
- 7) Office Reports
- 8) Commendations / Recognition
- 9) Approval of Minutes
- 10) Public Comments
- 11) Resolutions

1. Should time be limited, or for any reason deemed acceptable by the Governing Body, non-controversial items can be placed in a "consent calendar" group to be voted on all at once by the body.
2. Prior to the vote on the "consent calendar," any commissioner can request that any item in the group be removed from the group and voted on as an individual resolution. The commissioner can request such move of the chairman no later than the discussion on the group following a second of the motion.

12) Adjournment

- D. A question may be taken up out of order by two-thirds vote of members present.
- E. If the chair is a member of the body, the chair must be surrendered to the chair pro tempore prior to taking part in any debate. When the Chair steps down to participate in debate, she/he cannot return to the chair until the issue is disposed of in some manner. It is always improper for the chair to voice an opinion or debate the pending issue while acting as chair. The chair can answer questions, refer questions to the maker of the motion, rule on parliamentary questions, etc., during the debate of any issue.
- F. The chair is able to vote if a member of the body; voting only to break a tie vote if a county mayor chairperson.

- G. In the absence of the Chairman, the Chairman pro tempore shall serve as Chairman. In the absence of both the Chairman and Chairman pro tempore, the County Clerk shall call the Governing Body to order and call the roll for the purpose of the election of a temporary Chair.
- H. The Commission Chairman shall appoint all committees unless otherwise directed by a two-thirds vote of the Governing Body as specified in Article VII below.

V. DUTIES OF MEMBERS:

- A. Every member shall address the Chair by indicating on their electronic signaling device that they would like to speak, and after he or she has been recognized by the Chair, proceed with his or her remarks. The member may, after he or she has been recognized by the Chair, at the members discretion move to a position in front of the members assembled to make his or her remarks. No other member shall speak or be recognized unless he or she rises to a point of order or other motion which shall have preference while the speaker who has the floor makes his or her remarks. Any member who also wishes to speak shall make it known by using their electronic signaling device and will be recognized in order of request by the chair.
- B. No member may maintain the floor for longer than ten (10) minutes and may not be recognized more than twice, each time maintaining the floor for no longer than ten (10) minutes while speaking on any one matter or motion under consideration, except by a majority vote of the members. No member will be allowed to assign their remaining time to another member.
- C. Motions to limit debate shall require an affirmative vote of two-thirds of those members present for passage.
- D. All motions shall be debatable except the following:
 - 1) To adjourn
 - 2) Lay on the table
 - 3) For the previous question

Provided, however, the original proponent of any motion sought to be tabled shall have the right to be heard after the motion is made and before the motion to table is put to a vote.

Also provided that a member who speaks both for and against a matter cannot "call for the previous question."

E. When any question or motion is under debate by the Governing Body, the following motions shall be in order and may be entertained by the Chairman:

- 1) To adjourn
- 2) To recess
- 3) To lay on the table
- 4) For the previous question
- 5) To postpone to a day certain
- 6) To commit
- 7) To amend
- 8) To postpone indefinitely

Each of said motions shall take preference in the order set out herein.

F. Any question or motion may be put to the members by a "voice vote" at the discretion of the Chairman, unless otherwise required by law, provided, however, that any one (1) member of the membership may request a roll call vote of the membership.

G. Upon a roll call vote, any member may change his or her vote before the result of the vote is announced and the Clerk or Chair shall give any member one opportunity to change his or her vote prior to announcing the result of the vote.

H. Any two (2) members of the Governing Body may appeal to the Governing Body from any ruling of the Chairman and a majority of the members of the Governing Body shall decide the appeal.

I. A meeting of the Governing Body or any committee of the Body can at any time be called into recess by a majority vote. A recess can be defined as anywhere from a short break until an

announced time up to the next regularly scheduled meeting of the Governing Body or committee.

Recesses cannot be scheduled for longer than the next scheduled meeting.

- J. When a motion to adjourn or recess has been made and failed, the Chairman shall not entertain another motion to adjourn or recess until some business has been transacted since the last motion to adjourn or recess was voted upon.
- K. A "session" is to be defined as a "complete meeting" for purposes of these rules.

VI. RESOLUTION

- A. Every proposed resolution shall be typewritten or legibly handwritten in ink and filed with the County Clerk in the appropriate form which must be completed entirely, except a proposed resolution need not have a seconding member at the time of filing, and information after.
- B. The County Clerk shall maintain a file specifically for "Proposed Resolutions," which shall be at all times complete with any attachments, and which shall remain at all times in the office of the Clerk and be available to the public. The Clerk shall file all proposed resolutions therein and shall note the date of filing on each and maintain a numbering system for said file.
- C. A copy of all proposed resolutions shall be filed with the County Clerk (added by amendment 9/16/82) during the regular working hours of that office, by the second (2nd) Monday of the month of the regularly scheduled meeting of the Board of Commissioners or fourteen (14) days prior to that month's meeting, whichever comes first. Excepted from this filing deadline is nominations for officers of the County elected by the Board of Commissions which proposed resolution may be filed at any time prior to the regularly scheduled meeting or may be made from the floor on the day of the regularly scheduled meeting. The Proposed Resolution may be mailed or delivered in Summary form.
- D. No proposed resolution may be called up for passage or rejection unless the sponsoring member shall be present or unless the sponsor of said resolution shall have previously indicated to the Chairman his or her permission for the same to be brought up in his or her absence.

- E. An amendment to a resolution shall not delay its consideration for passage or rejection, but any motion to amend which would materially or substantially change the original resolution should be ruled out of order by the Chairman. The motion to amend a resolution may be stated orally, but the amendment must be legibly handwritten or typewritten on any kind of plain paper and handed to the Chair for reading prior to voting on the amendment.
- F. (Changed by Resolution 2007/07/02) Any "amendments" to an in-order resolution by way of an addendum or rider prior to introduction of said resolution on the floor must be submitted to the County Clerk and all commissioners given notice thereof at least 5 days prior to the scheduled meeting; otherwise, such an amendment, rider, etc., will be considered "out of order."
- G. Any resolution presented for consideration by the Governing Body shall be permitted to be retracted by the sponsoring member or their substitute until a vote has been called for on the resolution.
- H. Vote shall be taken by electronic means if possible. Roll call votes are also acceptable if electronic means do not permit.
- I. Upon final action being taken by the Governing Body on a proposed resolution, the Clerk shall record the result thereon; and shall also record the number of ayes and the number of noes, if a roll call vote was taken.

VII. COMMITTEES:

- A. Internal Committees of the commission that are appointed by the Chairman of the Local Governing Body by state statute requirements shall be as follows: Audit, Beer, Delinquent Tax/Resale of Land, Environmental and Ethics, which are to be confirmed via resolution. Other committees typically appointed by the commission chairman are Airport, Budget, Education, Industrial, Personnel, Public Buildings, Public Safety, Road, and Solid Waste. These do not require commission approval by resolution.

- B. Each committee shall consist of one member from each District in the county.
- C. Special, or "ad hoc," committees may be appointed from time to time by the County Mayor and can consist of any number of commissioners and/or members of the general public. These committees will serve based on need and will be dissolved once the need has been resolved.
- D. All committees shall be advisory in nature and shall not bind the Governing Body as a whole in any of their acts except as specifically provided by state law or resolution of the Governing Body. They shall have no power to prevent or delay the consideration of any motion or resolution by the Governing Body as a whole.
- E. Committees shall study any proposed resolution or other matter referred to them by the Chair or the Governing Body. The Chairman of each committee, or a member designated by him or her, shall have the duty to report to the governing body as a whole the committee's recommendation, and the reason therefore, on the acceptance or rejection of any matter or proposed resolution being considered by the Governing Body. ~~Any member of the committee may make a minority report.~~ Should the committee chairman, or his or her representative announce to the Governing Body that the committee has not had sufficient time to study the matter or proposed resolution under consideration, a vote on the proposed resolution shall not be delayed thereby, except by appropriate motion and passage thereof by a majority of the Governing Body.
- F. Committees shall elect among themselves by simple majority vote of the committee members a chairman, vice-chair, and secretary and any other officers desired. The Rules of Order of the Committees shall not conflict with the rules of the Governing Body.
- G. Committee meetings may be called for a reasonable time and place by the committee chairman. Meetings may also be called by three (3) other members, upon notifying the Chairman, and the other members of the committee. At least three days public notice shall be given to the general public and all committee members prior to any meeting.

- H. A quorum of any committee shall consist of one more than half of the total committee members, and no business shall be conducted if a quorum is not present.
- I. Committee votes can be taken by voice vote or roll-call vote at the discretion of the chairman or substitute for the chairman who is conducting the meeting.
- J. Nothing herein shall require a committee to consider only those matters referred to it by the Governing Body or the Chairman, and it shall be the duty of each committee to investigate and acquaint itself with the areas of its responsibility and to bring before the Governing Body any matter which needs to be considered in the interest of the welfare of the citizens of this county.

VIII. SUSPENSION OR AMENDMENT

Any Rules of Order herein may be suspended or amended by the affirmative vote of two-thirds of the members present.

IX. MEETING NOTICES AND AGENDAS

Proper notice shall be given for each meeting of the Governing Board and its committees as follows:

- A. Notice of Regular and Special Called Meetings. The County Clerk's office shall give at least three days public notice of Governing Body meetings and the agenda for said meeting. Per State of Tennessee TCA 8-44-1, the notice and agenda will be accessible to the public at least 48 hours prior to the meeting by posting it on the County Court Clerk's website at www.hawkinscountyclerk.com and the county's website at www.hawkinscountyttn.gov. The Governing Body may consider matters not on the posted agenda provided the bylaws are followed.
- B. Notice of Committee Meetings. For an internal committee meeting of a Governing Board Committee, the mayor's office shall give at least three days notice of such meeting.
- C. All meetings of the governing body are subject to open meetings requirements and shall reserve a time for public comment so that the public may speak on matters germane to items on the agenda.
 - a. Citizens wanting to speak will be required to list their name, address, email address, and topic or issue they want to speak about on a provided sign in sheet until the start of the meeting. At the start of a meeting, the list will be given to the chairman and speakers will be taken in order of how they signed the sheet. At the chairman's discretion, citizens who have not signed in may or may not be allowed to speak.
 - b. Public comments will be limited to three (3) minutes per speaker, and any remaining time left will not be added to another speaker's allotted time.

X. MEETING DISRUPTIONS

Meeting disruptions will be governed by TCA 39-17-306, which states:

(a) A person commits an offense if, with the intent to prevent or disrupt a lawful meeting, procession, or gathering, the person substantially obstructs or interferes with the meeting, procession, or gathering by physical action or verbal utterance.

(b) A violation of this section is a Class A misdemeanor.

XI. ADOPTION OF RULES OF ORDER

Any rule of order or procedure previously adopted by the Governing Body, which is in conflict with, or preempted by, these rules, is hereby repealed.