



County Technical Assistance Service

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Chair-CLB

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Table of Contents

Chair-CLB	3
Duties of the Chairperson (or Chairperson Pro Tempore)	3

Chair-CLB

Reference Number: CTAS-14

In counties other than those with a consolidated form of government or county charter, the county legislative body elects a chair and a chair pro tempore at its first session on or after September 1 of each year. The county legislative body may elect one of its own members as chair, or it may elect the county mayor; however, the county mayor is not required to take the office and may decline. If the county mayor is elected as chair and accepts the office, then the county mayor relinquishes the power to veto legislative resolutions of the county legislative body. However, these provisions do not apply in Knox, Hamilton, and Shelby. T.C.A. § 5-5-103. A county mayor who assumes the chair may vote to break tie votes of the county legislative body, but otherwise does not vote. T.C.A. § 5-5-109(b). The county mayor may not make or second a motion. Alternatively, the legislative body may elect one of its own members as chair, in which case the member who is also chair may vote on all issues as a regular member of the body, but may not vote again to break a tie vote. T.C.A. § 5-5-109.

If the county mayor does not serve as chairman, the county mayor has veto power over legislative resolutions (but not administrative or appellate resolutions) within 10 days of receiving the legislative resolution from the county commission. If a resolution is vetoed, the county mayor must return it to the commission with reasons for the veto. The commission may override the veto at the next regular meeting of the county commission or within 20 days of receiving the veto, whichever is later.

When the regular chair is unable or fails to attend meetings of the county legislative body, the chair is under a duty to notify the chair pro tempore who shall attend and discharge the duties of the chair. If neither is present, the county clerk will call the meeting to order for the election of one of the members to temporarily preside over the meeting. T.C.A. § 5-5-103.

The chair may designate another member of the county legislative body to sit in the chair's place on any board, authority or commission that the chair serves upon by virtue of holding the office of chair. Any such designee may vote or exercise any power the chair could exercise had the chair been in attendance.

Duties of the Chairperson (or Chairperson Pro Tempore)

Reference Number: CTAS-756

The chairperson of the county commission is required to preside over the sessions of the county commission. T.C.A. § 5-5-103. A chairperson "holds over" and is the presiding officer until his or her successor is duly elected. Op.Tenn. Atty Gen. 86-162 (September 15, 1986). Generally, the chairperson's duties include the following:

1. Opening the session at the proper time by taking the chair and calling the members to order; announcing the business before the body in the order it is to be acted upon; stating and putting to vote all motions, resolutions, amendments or other questions which lawfully come before the body; and announcing the results of the vote.
2. Keeping order, recognizing each member's right to speak on an issue and assigning the floor to those properly entitled to it.
3. Assuring only one main motion or resolution is entertained at a time and disallowing debate on the issue until the motion has been properly seconded and announced.
4. Being fair and impartial while presiding and refraining from discussion on issues; being courteous to those whose views differ from the chairperson's.
5. Surrendering the chair prior to taking part in debate.
6. Voting if a member of the body; voting only to break a tie vote if a county mayor chairperson.
7. Performing other duties pursuant to procedure adopted by resolution of the body.

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.

If the chairperson is unable or fails to attend a meeting of the county commission, it is the duty of the chairperson pro tempore to discharge the duties of the office of chair. If neither the chairperson nor the chairperson pro tempore is present, the county commission appoints a temporary chairperson pro tempore to preside over the meeting. T.C.A. § 5-5-103.

If the county mayor is absent or intends to be absent for more than 21 days, or is incapacitated or unable to perform the duties of the office, the county commission will appoint the chair to serve until the county mayor is no longer absent or disabled. When the chairperson is serving as county mayor, the chair pro tempore presides over the county commission. T.C.A. § 5-5-103.

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