

SAMPLE RULES OF PROCEDURE FOR THE COUNTY LEGISLATIVE BODY

RULE 1

CONVENING THE BOARD

The Board shall meet at the County Courthouse, 9:30 A.M. on the first Monday in January, April, July and October. Should any prescribed meeting date fall on a legal holiday or if an emergency should arise, the Board shall meet at 9:30 A.M. on the following day. Notification of the members for regular meetings shall be left to the discretion of the Chairperson and Clerk (County Clerk).

RULE 2

QUORUM

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

RULE 3

ORDER OF BUSINESS

1. Call to order by Chairperson. In the absence of the Chairperson, the Chairperson Pro Tempore shall preside.
2. Roll call
3. Reading and approval of the minutes
4. Resolutions for special recognition, memorials, etc.
5. Elections, appointments and confirmations
6. Reports - county officials, standing and special committees
7. Unfinished business
8. New business
9. Announcement and statements
10. Adjournment

RULE 4 GENERAL

- 4A. *WHO MAY ADDRESS THE BOARD:* It is a commissioner's right to address the Chairperson and the Board at any appropriate time after proper recognition by the Chairperson. It may be allowable for non-commission members to address the Board if there is no objection by the Board or if a majority of the membership vote to allow such participation. The Chairperson may set a limit on the time a non-commission member may be allowed to speak.
- 4B. *GAINING THE FLOOR:* In all cases, the member who shall first rise and address the Chairperson shall be entitled to speak first; but when two or more members shall rise and address the Chairperson at the same time, the Chairperson shall name the member who shall speak first.
- 4C. *SPEAKING:* When any member is about to speak in debate, discussion or deliver any address on any matter whatsoever to the Board, the member shall rise and respectfully address the Chairperson and shall, after being recognized by the Chairperson proceed with the intended remarks, confining such remarks strictly to the question under debate and avoiding all personalities.
- 4D. *CONSENT TO YIELD:* While a member is speaking s/he is not to be interrupted, except for a question by another member. If the speaker declines to yield the floor for a question, then s/he shall not be interrupted, but shall yield to questions at the end of the presentation.
- 4E. *POINTS OF ORDER:* If any member, speaking or otherwise, transgresses the Rules of the Board, the Chairperson shall, or any member may, call to order, in which case the member so called to order shall immediately sit down. When the point of order has been decided by the Chairperson, the member having the floor can proceed, subject to the decision made.
- 4F. *APPEAL ON RULING:* Any member of the Board may appeal to the Board from the ruling of the Chairperson and a majority vote of the members present shall decide the appeal.

RULE 5 MOTIONS

- 5A. *INTRODUCTION AND DEBATE:* Motions may be made only by members. No motion shall be debated until the same is seconded and stated by the Chairperson.
- 5B. *MOTIONS IN WRITING:* When a motion is made and seconded, it shall be reduced to writing by the Clerk, and read by the Chairperson prior to any debate or vote.

- 5C. *REQUIRING ROLL CALL*: Motions shall be put to the Board for a voice vote, by the Chairperson; provided however, any three members of the Board may require a roll call by raising of hand or indicating otherwise.

RULE 6 RESOLUTIONS

- 6A. *INTRODUCTION*: Any proposed resolution may be introduced only by a member of the Board, and the Clerk or Chairperson shall not receive or file any resolution that is not reduced to writing and signed by at least two members of the Board.
- 6B. *AUTHOR*: A resolution may have as many signatures as there are members of the Board. However, the first two signatures on the resolution shall be deemed the authors for the purpose of debate.
- 6C. *ROLL CALL VOTE*: Resolutions shall be put to the Board for a roll call vote by the Clerk. Each member shall vote "yes" or "no" on its passage when the Clerk calls his/her name.
- 6D. *CHANGING VOTE*: Any member of the Board 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 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 his/her vote. Then, the results shall be announced by the Clerk.
- 6E. *SUCCESSFUL RESOLUTIONS*: All successful resolutions shall be submitted to the Chairperson for his/her signature and attested by the signature of the Clerk. The resolution along with the vote of the members shall then be submitted to the County Mayor, within five days of its passage, for his/her consideration.

RULE 7 ELECTIONS AND APPOINTMENTS

- 7A. *ELECTIONS AND NOMINATIONS FROM THE FLOOR*: When the Chairperson is to receive nominations from the floor, a member may nominate only one person. The floor will be kept open until every member has had an opportunity to make nominations or until a motion has been made and seconded that nominations cease and a majority of those present so vote.
- 7B. *APPOINTMENTS AND CONFIRMATIONS*: When the Board is called upon to appoint someone from a list of nominees (such as a county medical examiner) or to confirm an appointee of the County Mayor (such as a department head) then the name or names of those being considered for the position shall be read to the membership and discussion of each such appointee shall follow.

- 7C. *ELECTION OR CONFIRMATION:* All ballots for election or confirmation shall be cast by voice vote as each member's name is called by the Clerk. If the vote is on confirmation of an appointee each member will vote either "yes" or "no" on the confirmation. A majority of the membership of the full Board is required for election or confirmation.
- 7D. *SECOND BALLOT:* If no one is elected on a given ballot, 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 membership.

RULE 8 COMMITTEE MEMBERSHIP

NOMINATING COMMITTEE: The Chairperson shall, at the July meeting, appoint a nominating committee from the membership of the Board. It shall be the duty of this nominating committee to recommend Board members for appointment to the standing committees of the Board. This committee shall make its report and recommendations to the full Board at the October meeting. However, members of the Board may also make committee nominations from the floor. All standing committees shall be elected annually at the regular October meeting.

RULE 9 APPROPRIATION REQUESTS

REQUESTS FOR APPROPRIATION: Requests for appropriations in addition to those within the annual budget shall be submitted in the following manner:

- 9A. The request shall be submitted in writing to the appropriate committee of the Board and shall reflect the estimated cost which shall be attached to the proposed resolution.
- 9B. All requests for appropriations falling in this area shall be summarized and submitted in writing to each member of the Board at least seven days prior to the regular or called meeting such request is to be submitted.
- 9C. The committee to which the request has been referred shall in open meeting of the Board, assume one of the following positions: (1) Adoption recommended (2) Rejection recommended or (3) Submitted to the Board without recommendation.
- 9D. The budget committee chairperson or a member designated by him/her shall advise the Board as to fund availability before a vote is taken on appropriations in any amount which are in addition to those of the annual budget.
- 9E. The resolution requesting such appropriations shall be voted upon by membership of the Board as provided by Rule 6 of these rules.

RULE 10
SUSPENDING THE RULES

Any rule or rules may be suspended by a two-thirds majority vote of the members present.

RULE 11
ROBERT'S RULES OF ORDER

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

RULE 12
THE CHAIRPERSON

- 12A. *ELECTION*: Annually, at its October regular meeting the Board shall elect a Chairperson and a Chairperson Pro Tempore. The Chairperson may be one of the membership of the Board or the County Mayor. If the Board elects as its Chairperson the County Mayor and s/he accepts the position, then the County Mayor shall relinquish his/her veto power.
- 12B. *VOTING BY THE CHAIRPERSON*: The County Mayor Chairperson may vote only in the case of a tie. A member chairperson may vote on all issues coming before the body, just as any other member.
- 12C. *CALL TO ORDER*: The Board shall be called to order by the Chairperson. In the absence of the Chairperson, the Chairperson Pro Tempore shall preside. In the absence of the Chairperson Pro Tempore, the Board shall be called to order by the County Clerk, and shall elect one of its members to preside over the deliberations.
- 12D. *SPEAKING*: Should the Chairperson desire to speak upon any subject either in the negative of the affirmative, s/he may do so, provided s/he vacates the chair. Whereupon the Chairperson Pro Tempore shall preside until the matter under consideration is disposed of by the Board. However, the Chairperson may answer questions, provide information, and give explanations from the chair, the Board not objecting.
- 12E. *PRESERVE ORDER*: The Chairperson shall preserve order and decorum. S/he may speak to points of order in preference to other members, rising from his/her seat for that purpose. The Chairperson shall decide questions of order, subject to an appeal to the Board of any member.
- 12F. *ORDER OF RECOGNITION*: Before a member 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 and who wishes to speak.

- 12G. *MOTIONS*: Once a motion has been made and duly seconded, the Chairperson shall state the motion so that debate on the motion may begin.
- 12H. *CLARIFICATION*: The Chairperson shall rise to state or put a question and shall clearly state the question before the Board before the vote on the question is taken. A member may ask for clarification of the question up until the result of the vote is announced.
- 12I. *AGENDA*: The Chairperson will forward to each member of the Board the tentative agenda of the next Board meeting not less than five days prior to meeting date.

RULE 13

THE CLERK

- 13A. *NOTICE*: The Clerk shall notify each member of the Board of any special or called meetings not less than five days in advance thereof. Notification of regular meetings shall be within the discretion of the Clerk and the Chairperson.
- 13B. *MINUTES*: The Clerk shall reduce the minutes of each Board meeting to writing and attach a copy of each resolution considered and the vote thereon. The minutes shall be prepared within five days after said meeting and placed in a well bound book for public inspection. A copy of the minutes of the last meeting shall be forwarded to each board member with the prepared agenda or meeting notice.
- 13C. *RESOLUTIONS*: A copy of all resolutions approved by the Board shall be submitted to the County Mayor, within five days after such approval, for his/her consideration and signature.
- 13D. *ROLL CALL*: In all instances involving authorization to expend public funds, the Clerk shall call the roll for "yes" and "no" votes. In all instances where the roll is called for any vote, the Clerk shall make such roll call and the vote of each member a part of the record of the meeting and include it in the official minutes.
- 13E. *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 member who has voted wishes to change his vote. Subsequently, the Clerk shall announce the results.

RULE 14

SHERIFF

The Sheriff or a designated deputy shall attend each session of the Board. That officer shall preserve order and carry out orders of the presiding officer of the Board. The attending officer shall be paid for these services, unless such officer is performing this duty during regular working hours, paid by the county, and is not working overtime.

RULE 15
COUNTY ATTORNEY

The County Attorney shall, as legal consultant, attend all meetings of the Board. It shall be the duty of the County Attorney to voice his/her negative opinion when, in his/her opinion, the Board is in the process of taking action outside of its jurisdiction, or in any manner proceeding illegally, and to give his/her legal opinion on any subject where such guidance is requested by the Chairperson.

RULE 16
COMMITTEES

- 16A. All committees, standing and temporary, shall meet and elect from their membership a Chairperson. The election of a Secretary shall be optional in the absence of a specific mandate of the Board.
- 16B. Standing committee chairmen shall report to and confer with the Chairperson on all pertinent matters to be presented at the next meeting of the Board.
- 16C. All committee chairpersons shall contact the County Attorney on matters appearing to warrant legal evaluation prior to presentation to the Board.
- 16D. Should questions arise as to jurisdiction of any committee it shall be referred to the Chairperson and/or to the County Attorney for determination, subject to an appeal to the Board at its next regular meeting.
- 16E. The following procedure shall be followed pertinent to committee reports and related action:
 - 1. The committee chairperson or a member designated by him/her shall make the presentation in an open meeting of the Board.
 - 2. Upon completion of a report the speaker shall yield to questions.
 - 3. There shall be a vote on the proposition when discussion is complete and when there is a call for the question by the Board.
- 16F. If for any reason the chairperson of a committee fails or refuses to call a meeting, the Chairperson of the Board, or a majority of the committee membership may do so.

RULE 17
CONFLICT WITH LAW

In the event any of the foregoing rules are determined to be in conflict with statutory provisions, then that part in conflict shall be null and void.