

Roane County Commission Orientation

The County Commission Organization,
Purpose and Responsibilities

August 2014

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Agenda

- Commission Orientation
- Departments of the County Executive
- “The Next Ten Years”

Organization

- Popularly elected commission (TCA § 5-05-102)
 - 7 Districts
 - 15 members
- Chairman (TCA § 5-05-103)
- Chairman Pro-Tempore (TCA § 5-05-103)
- Secretary- County Clerk (T.C.A. § 18-06-104)
- County Executive is *ex-officio* member (T.C.A. § 5-6-106(b)(1))
- Boards & Committees
 - Statutory- basis in either general state law or private acts.
 - Internal/Standing- no basis in general law or private act; created by commission and may provide recommendations to the commission

Organization (cont.)

- Commission elects Chairman and Chairman Pro Tempore and sets compensation
 - TCA§5-5-103 & 5-5-107; Resolution #09-13-01 & #09-13-02
- Commission sets regular meeting date of Commission
 - TCA§5-5-104; Resolution #09-13-03
- Commission establishes Rules of Operation and Procedures
 - Resolution #09-13-04
- Commission approves the membership of the Budget Committee each year
 - Resolution #09-13-05
- Commission establishes the membership of the Committee on Committees each year
 - Resolution #09-13-06
- Committee on Committees recommends committee memberships for the calendar year
 - Resolution #12-13-03

Open Meeting Act

- TCA § 8-44-101 *et seq.*
 - All meetings of any governing body are declared to be public meetings and must be open to the public at all times. TCA § 8-44-102
 - Adequate public notice of all regular and special meetings must be given. TCA § 8-44-103
 - The minutes of the meeting must be recorded and open to the public inspections and at a minimum must contain a record of the persons present, all motions, proposals and resolutions offered, the results of any votes taken, and a record of individual votes in the event of a roll call vote. TCA § 8-44-104(a)
 - All votes must be public vote, public ballot, or public roll call; secret votes are prohibited. TCA § 8-44-104(b)
 - Any action taken in a meeting in violation of any of the foregoing requirements is void. TCA § 8-44-105

Conflict of Interest

- County Purchasing Act of 1957 (TCA § 5-14-114)
 - Broad definition of conflict of interest
 - Prohibits:
 - Purchasing Agent
 - Members of the Purchasing Commission
 - County Commissioners
 - Other officials of the county
 - Having financial interest either:
 - Directly
 - Indirectly

Code of Ethics

- Resolution# 02-09-17
 - Disclosure of personal interest in voting matters
 - Disclosure of personal interest in non-voting matters
 - Acceptance of gifts and other items of value
 - Conflicts of interest codes:
 - TCA§ 5-1-125
 - TCA§ 5-5-102
 - TCA§ 5-14-114
 - TCA§ 5-21-121
 - TCA§ 12-4-101
 - TCA§ 49-6-2003
 - TCA§ 54-7-203

Rules of Procedures

- Adopted each September by resolution (#09-13-04)
- Rules of meetings:
 - All resolutions shall be filed at least twelve (12) days prior to the regular meeting of the Commission before they can be considered at said regular meeting. This rule shall be known as the **Twelve Day Rule**, and may be waived by an affirmative vote of two-thirds (2/3) of the entire membership of the Commission.
 - All resolutions causing or requiring the appropriation of money shall be **automatically referred to the Budget Committee** for its recommendation before consideration by the full commission. No resolution causing or requiring the appropriation of money shall be considered by the Board of Commissioners until it has been considered by the Budget Committee. No resolution causing or requiring the appropriation of money should be considered by the Board of Commissioners until a **fiscal note** is filed with the Commission. Said fiscal note shall state the impact, if any, of said resolution on the appropriations, reserve funds and tax rate. However, if such resolution is not considered by the Budget Committee during the period between regular meetings, it may be considered at the second meeting without waiving the rules.

Rules of Procedures (cont.)

- A **resolution shall have a sponsor** before it may be considered by the Board of Commissioners or its Committees. Only the **County Executive**, a **Commissioner**, or the **County Attorney** may file a resolution with the County Clerk.
- The **rules of the Commission** may be waived upon an affirmative vote of two-thirds(2/3) of the entire membership of the Commission.
- **Roberts' Rules of Order** , as contained in the latest copyrighted edition, are hereby adopted and shall control the conduct of the meetings of the Roane County Board of Commissioners and all committee meetings thereof, except where they conflict with the foregoing rules or laws of the State of Tennessee or the United States of America.

Responsibilities

- The county legislative body assembled in session is authorized to act for the county.
- May exercise powers of a legislative nature **granted** by the **General Assembly in public acts** or **private acts**.
- Counties have **no power to act outside** the scope of powers granted by the General Assembly.
- Powers granted to county commission:
 - Levy property tax without limitation regarding rates
 - Expend funds for any lawful purpose
 - Zoning powers within the unincorporated areas of county
 - Some regulatory powers

Duties

- ✓ Set county tax rate
- ✓ Adopt a budget & appropriate funds for the ensuing fiscal year for all county departments and agencies
- ✓ Appropriate general funds for the financial aid of any nonprofit organization and provide guidelines for the expenditure of these funds
- ✓ Acceptance of county roads, annual updating and approval of county road list, and closing of roads
- ✓ Approval of the issuance of debt instruments
- ✓ Provide courthouse space for the state courts and jail facilities
 - ✓ TCA § 5-7-104, 5-7-105
- ✓ Duty to provide a countywide personnel policy
 - ✓ TCA § 5-23-101 *et seq.*; Resolution #06-05-14

Duties (cont.)

- ✓ May adopt comprehensive zoning for the area of the county outside the corporate limits of the municipalities
- ✓ May provide medical and life insurance benefits to county employees
- ✓ Authority to regulate dogs, cats and stray animals
 - ✓ TCA§ 5-1-120
- ✓ Adopt regulations to prevent public nuisances
 - ✓ TCA§ 5-1-118(c)
- ✓ Determine how to deal with county's liability risks either through insurance, self-insurance or joint-insurance through an insurance pool
- ✓ Role in either electing or approving the appointment of many county officials, department heads and board/committee members

County Boards

Statutory Boards

- Board of Equalization- TCA§67-1-401
- Board of Zoning Appeals- TCA§13-7-106 through 13-7-109
- County Board of Public Utilities- TCA§5-16-102 *et seq*
- County Election Commission- TCA§ 2-12-103 (appointed by the state election commission)
- E-911 Board- TCA §7-86-101 *et seq*
- Industrial Development Board of Roane County - TCA§7-53-301
- Library Board- TCA§ 10-3-103
- Local Emergency Planning Committee- Federal Emergency Planning and Community “Right to Know” Act (EPCRA) of 1986
- Planning Commission- TCA§13-3-201

County Boards (cont.)

- Roane County Health, Education and Housing Facilities Board- TCA§7-86-105 (IDB fills this requirement)
- School Board- TCA§49-2-201
- Solid Waste Regional Board- TCA§68-211-904

Advisory Boards

- EDA Loan Board, required by the Economic Development Administration
- Environmental Review Board- Resolution #1975 in May 1989
- Industrial Development Board of Cumberland, Morgan and Roane, Tennessee- Res #01-07-07
- Park Advisory Board- required for grant funding

Committees

- Committees are assigned in December of each year on the recommendation of the Committee on Committees.
- Commissioners are compensated for each committee meeting attended where a quorum is present and minutes are filed.
- Two (2) types of committees:
 - **Statutory:** required or authorized by state general law or private act and exercise authority independently of other bodies or officials.
 - **Internal (Standing):** created by resolution by the county commission and have no authority to act independently of the commission.
 - **Ad Hoc (Special):** non-mandatory, internal committees which may be appointed or elected at a meeting of the county commission when an issue arises which needs more information or study prior to officials actions of the body.

Current Committees: Statutory

- Agricultural Extension Committee- TCA §49-50-104
- Back Tax Committee- TCA §67-5-2507
- Beer Board- TCA §57-5-105
- Budget Committee- TCA §5-12-104
- Finance Committee TCA§ 5-8-201 *et seq*
- Public Records Committee- TCA §10-7-401
- Purchasing Commission- TCA§ 5-14-106- Resolution #09-11-16

Current Committees- Internal/Standing

- Animal Control Advisory Committee
- Audit Committee- TCA §9-3-405 (*recommended by the Comptroller's Office*)
- Building Inspector, Code and Review Committee
- Cable TV Committee
- Committee on Committees
- Courthouse and Courtroom Security Committee- Res# 04-12-19
- Emergency Services Committee

Current Committees- Internal/Standing

- Ethics Committee- Res#01-07-03; amended Res# 12-08-11; amended Res#02-09-17 (*recommended by the Comptroller's Office*)
- Fire Board
- In-Lieu-Of-Tax Committee
- Industrial Liaison Committee
- Legislative Committee
- Long Range Planning Committee
- Personnel Committee
- Property Committee
- Road Committee

Current Committees- Internal/Standing

- Risk Management Committee
- School Liaison Committee
- Sheriff's Liaison Committee
- Solid Waste Committee
- Sports Recreation Committee
- Tourism Committee

County Constitutional Officers

- County Constitutional Officers elected to a four-year term in the August general election in the same year the governor is elected.
 - Sheriff- TCA § 2-3-202
 - County Clerk- TCA § 18-6-101
 - County Mayor/Executive- TCA § 5-6-101
 - Register of Deeds- TCA§ 8-13-101
 - County Trustee- TCA§ 8-11-10
 - General Sessions/Circuit Court Clerk-Tennessee Constitution Article VI, Section 13
 - County Commission- TCA§ 5-5-102
- County Constitutional Officer elected to four-year term in the August general election in even numbered years in which there is not an election for governor.
 - Assessor of Property- TCA § 67-1-502
- Appointed County Constitutional Officer
 - Clerk and Master- appointed by the chancellors of the county for a six-year term- Tennessee Constitution Article VI, Section 13

Non-Constitutional Officials

- Administrator of Elections- TCA § 2-12-201
- Animal Control Officer
- Building Inspector
- County Attorney
- County Historian
- County Medical Examiner- TCA § 38-7-106 *et seq.*
- Director of Accounts and Budgets- TCA § 5-13-103
- Director of Emergency Services- TCA § 58-2-110
- Director of Schools- TCA § 49-2-301
- Parks and Recreation Director
- Purchasing Agent- TCA § 5-14-103
- Road Superintendent- TCA § 54-7-103
- Safety Officer
- Solid Waste Coordinator
- Wastewater Plant Supervisor
- Zoning Officer

Types of Laws

- General Law-a law unrestricted as to time and applicable throughout the entire territory subject to the power of the legislature that enacted it and applying to all persons in the same class in the same situation
- Optional Law
 - 1957 Fiscal Procedures, Budget and Purchasing Acts
- Private Acts
 - 1933 Purchasing Act
 - County Attorney
 - Nepotism Policy Act of 1998
 - Hotel/Motel Tax

Divisions of Government

- County Commission
- County Executive
 - Chief fiscal officer of the county with strong role in budgetary process
 - *Ex-officio* member of commission and all commission committees
 - Has the care and custody of all county property, unless placed with another official
- County Attorney
 - Office created by Private Acts of 1937; Chapter 111
 - Popularly elected for four-year term in August general election
 - Employee of the county
 - Duty to attend to and transact all legal business of the county;
 - To advise any and all county officials upon matters pertaining to their respective offices; and
 - To represent the county in all legal matters

Informational/Training Events

- County Officials Orientation Program (COOP)- presented by County Technical Assistance Services in August after election.
- Tennessee County Services Association (TCSA):
 - Annual Fall Conference- October of each year in Murfreesboro
 - TCSA/COAT County Government Day- February of each year in Nashville
 - Post-Legislative Conference- June of each year in Gatlinburg
- www.ctas.tennessee.edu
- www.tncounties.org

Departments of County Executive

- Accounts and Budgets
- Ambulance
- Animal Control
- Building and Codes
- County Buildings/Maintenance
- Emergency Management
- Historian/Records Management
- Industrial Economic Development
- Parks and Recreation
- Planning and Zoning
- Purchasing
- Risk Management
- Solid Waste/Recycling

“The Next Ten Years”

- Budgetary Issues
 - Annual Budgets
 - Education Funding
 - Sale of Back Tax properties
 - Industrial Development/Tourism
 - TVA Impact \$ going away/PILOT
 - Reappraisal
- Functions
 - Building & Codes/ IBC
 - Ambulance Management
 - Solid Waste/Recycling
 - Parks & Recreation
 - Sheriff/Jail Operations
 - Veterans' Service Office
 - Fire Services
 - Commission committees, boards, elected officials
 - IT/Communications
- Fiscal Policies
 - Capital Items
 - Debt Management
 - PILOT
 - Education Funding
 - Sales tax referendum
- Personnel
 - Dental Cost
 - Retirement
 - Health Insurance
 - Personnel Department
 - County-wide Personnel Policy
- Capital Issues
 - Ambulance/Highway Building
 - Jail overcrowding/expansion
 - New OES Bldg due to Jail expansion
 - School Construction
 - Courthouse service access
 - Road System- bridges
 - Voting machines
 - All-weather recreation facility
- Public
 - Cable TV/Internet Connections
 - Metro Government
 - Community –wide Rebranding
 - Public housing issues