

Hamblen County Government  
**HCLB RULES REVIEW COMMITTEE**

Thursday, February 4, 2021

Large Courtroom of the Hamblen County Courthouse



Randy DeBord  
*Chairman*

Chris Cutshaw  
*Member*

Bobby Haun  
*Member*

David Purkey  
*Member*

Nancy Phillips  
*Member*

**AGENDA**

1. **Call to Order** – *Chairman Randy DeBord*
2. **Visitors Wishing to Address the Committee about Agenda Items Only** –  
*Chairman Randy DeBord* (Visitors will be allotted 3 minutes to speak)
3. **New Business** – *Chairman Randy DeBord*
  - a. Discuss Objectives
  - b. Review Guidelines for Public Comment
  - c. Review Local Rules of Procedure
4. **Items of Interest** - *Chairman Randy DeBord*
  - a. Next Meeting Thursday, Feb 25<sup>th</sup> 6 p.m. Large Courtroom
5. **Adjournment** – *Chairman Randy DeBord*

## HAMBLÉN COUNTY COMMISSION

### Public Comment Guidelines for Commission Meeting

1. Everyone attending the meeting will refrain from private conversations while the Hamblen County Commission (hereinafter referred to as “the County Commission”) is in session and cell phones shall be set to silent.
2. Citizens and visitors attending the county commission meetings are expected to act respectfully. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the County Commission or while attending the meeting shall be removed from the room if so directed by the Commission Chairman. The person shall be barred from further audience before the County Commission during that meeting. If the Commission Chairman fails to act, any member of the County Commission may move to require enforcement of the rules, and the affirmative vote of a majority of the County Commission shall require the presiding officer to act.
3. The Commission Chairman shall not allow disruptive comments and remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations. The person guilty of such conduct may be removed from the room. In case the Commission Chairman shall fail to act, any member of the County Commission may move to require enforcement of the rules and the affirmative vote of the majority of the County Commission shall require the presiding officer to act.
4. No placards, banners, or signs will be permitted in the County Commission meeting room or in any other room in which the County Commission is meeting. Exhibits, displays, and visual aids used in connection with presentations, however, are permitted.
5. Cameras, video equipment, and other recording devices shall be restricted to a designated area in rear of the meeting room on the opposite side of the video stand. This will ensure that any recording devices and their operators will not interfere with the conduct of the meeting or hamper the ability of the audience to observe and participate in the meeting. This rule applies to the business and public comment times of the meeting and not the time devoted to Recognition/Presentation/Proclamations. This rule does apply to County Commission meetings and its committee meetings. The Commission Chairman shall require that such equipment be operated within these guidelines or have the equipment removed from the meeting room.

***Members of the audience may speak during this section of the agenda subject to the following guidelines:***

- A person wishing to address the County Commission regarding items on the agenda can do so during the **“Public Comment Regarding Business of the Agenda Only”** section of the agenda.
- A person wishing to address the County Commission regarding items **NOT** on the agenda can do so during the **“Public Comment – General”** section of the agenda.
- A person wishing to address the County Commission must first be recognized by the Commission Chairman.
- The speaker must provide his/her name and address for the minutes.
- Speakers at a commission meeting must address their comments to the Commission Chairman rather than to individual members of the County Commission or staff.
- Each speaker will be allowed a maximum of three (3) minutes to address the County Commission. A majority vote of the County Commission will be required to extend the time limit. The County Commission may impose more restrictive time limits if a large number of persons desire to speak. If a large number of speakers are present to address an issue, the County Commission may set a limit on the total time allowed for all speakers or ask that a Spokesperson be named to speak on behalf of the group.
- A person desiring more than three (3) minutes to address the County Commission can be given permission for five (5) minutes by properly completing and submitting a “Request to Appear Before Commission” form. Forms are available in the Mayor’s office at the Hamblen County Courthouse. The deadline to submit a completed form is the Monday before the upcoming County Commission meeting. The request will be reviewed for approval by the Commission Chairman. Anyone satisfactorily completing the form will receive five (5) minutes to address the County Commission during the appropriate designated public comment section. Some issues may not be appropriate for public discussion (e.g. pending legal matter of those covered by Privacy Acts).
- The County Commission will not discuss or consider any item addressed during the “Public Comment – General” section. Issues raised may be referred to staff for response at a later date or may be scheduled for discussion by Commission at a later time.

***These guidelines should be made available to the audience prior to the meeting.***

## **Sample Rules**

## **A** Un-named city

Persons Addressing the Council. Public oral communications at the City Council meetings should not be a substitute for any item that can be handled during the normal working hours of the municipal government. The primary purpose of oral communications is to allow citizens the opportunity to formally communicate with the City Council as a whole, for matters that cannot be handled during the regular working hours of the City government. Each person who addresses the Council shall do so in an orderly manner and shall not make personal, impertinent, or profane remarks to any member of the Council, staff or general public. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any Council meeting shall, at the discretion of the presiding officer or a majority of the Council, be barred from further audience before the Council during that meeting.

## **B** Anderson County

Appearance of Citizens -- The purpose of this portion of the Agenda is to provide citizens an opportunity to address their government for items or concerns not on the Agenda. Citizens are to state their name and address and limit remarks to less than three minutes. Commission will not address the issues brought before Commission nor take any action at this time other than refer the item to a committee or, by a vote of 2/3 majority (11) of Commission, to place it on the agenda under New Business. If many individuals show an interest in commenting on a particular issue, County Commission may call a public hearing before taking action on that issue.

## **C** Madison County

**SPEAKING BY NON-COMMISSION MEMBERS:** Any person who is not a Commission member may request to be recognized by their Commissioner to speak for or against an issue on the Agenda. One (1) or more persons may speak, but each side shall be limited to a total of five (5) minutes.

## **D** Marshall County

- b. The Chairman of the Commission may call upon non-members to address the Board of Commissioners for the purpose of giving information and/or advice on matters then before the Board of Commissioners. Such speakers shall be limited to five minutes.

## **E** Putnam County

The chairman may also recognize non-members upon request or at his discretion, provided there is no objection by any Commissioner. If any commissioner objects, the person may be permitted to address the Board only after a motion, second and upon a majority vote of the Commissioners in attendance. The Chairman may set a limit on the time a non-Commission member are allowed to speak

## **F Washington County**

**WHO MAY ADDRESS THE BOARD:** It is a commissioner's right to address the Chair and the Board at any appropriate time after proper recognition by the Chair. It may be allowable for non-commission individuals to address the Board. The Chair shall first request if there is any member objection to the request. If there is an objection by any member of the board, the chair shall immediately take a vote to approve or disapprove the objection, with a majority vote of the members present and voting for a decision. If the objection is not approved, the non-commission individual shall be allowed to address the board; however, in their respective discretion, the chair or board may set a limit on time allowed.

## **G Weakley County**

**WHO MAY ADDRESS THE BOARD:** It is a commissioner's right to address the Chairman and the Board at any appropriate time after proper recognition by the Chairman. 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 votes to allow such participation. The Chairman may set a limit on the time a non-commission member may be allowed to speak.

## **H Williamson County**

Citizen communication guidelines are as follows

1. A 15-minute time period will be set aside for citizen comment at each regularly scheduled meeting of the Williamson County Board of Commissioners
2. Those interested in participating should sign up (name, address, and phone number) to speak prior to the meeting. A sign-up sheet will be placed on the podium 30 minutes prior to the beginning of the meeting.
3. Requests to speak will be honored in the order in which they appear on the sign-up sheet. Should more than five (5) individuals sign up to speak, the 15-minute time period will be evenly divided among all speakers. In all cases, Rule 3.6.4 shall still apply.
4. Comments will be limited to three (3) minutes per person or group. If there is more than one person speaking to the same subject, they should designate a spokesperson for the group.
5. No personal attacks will be permitted, and no votes will be taken on any non-agenda items of that meeting.
6. The Commission Chairperson shall have the right to rule any person out of order when, in the Chair's discretion, those comments are deemed to be inappropriate.

**Rule 3.6.4:** Citizen communication is designed to receive information from the public and Commissioners shall not ask question of the speaker or seed the floor during this portion of the Agenda to respond to citizens communication.

## **I Marshall County**

- a. It is a Commissioner's right to address the Chairman of the Commission and the entire Board of Commissioners at any appropriate time after proper recognition by the Chairman of the Commission.
- c. Commissioner shall speak no more than once on the same subject, until all Commissioners desiring to speak have had an opportunity to speak.
- d. Commissioner may introduce a non-member and move for permission for

such non-member to address the Board of Commissioners if this non-member's name has been submitted in writing by the close of the business day prior to the County Commission meeting to the County Clerk. The motion for the introduction of the non-member shall not be debatable and shall pass upon a majority vote of the County Commissioners present. Each speaker shall be limited to five minutes and his remarks are limited to the subject then being debated by the Board of Commissioners.

- e. The Chairman of the Commission may call upon non-members to address the Board of Commissioners for the purpose of giving information and/or advice on matters then before the Board of Commissioners. Such speakers shall be limited to five minutes.

J Sumner County

vii. Recognition of the Public

1. Addressing the Commission: The public may address the Commission concerning any matter on the Agenda as approved for the current meeting of the Commission.
2. Signing up to speak: The signup sheet for public comment shall be placed in the Commission Chambers on the podium by noon on the day of a Commission meeting. Any person wishing to speak must personally sign the sheet.
3. Prohibitions: No citizen shall speak in an inflammatory or offensive manner concerning any Commissioner, other elected officials, or citizens. The Commission Chair shall warn the offending citizen to refrain from further inappropriate comments. If such warning is not heeded, the Commission Chair shall ask the citizen to return to his/her seat.
4. Time Limit: The Commission Chair is authorized to impose a time limit of five (5) minutes per speaker during public comment.
5. Redundant comments: The Commission Chair, may warn a citizen to offer original information when a citizen repeatedly makes comments on a topic that have already been offered by the same speaker or a previous speaker.

K Warren County

- (a) Non-Members: The Chairperson may also recognize non-members upon request or at his discretion, provided there is no objection by any Commissioner. If any Commissioner objects, the person may be permitted to address the Board only after a motion, second and upon a majority vote of the Commissioners in attendance. If approved, the non-member may be allowed to speak for four minutes.

## Sample

### Citizen communication guidelines

1. Citizen communication is designed to receive information from the public and Commissioners shall not ask questions of the speaker or seek the floor during this portion of the Agenda to respond to citizens communication.
2. A time-period, not to exceed 30 minutes, will be set aside for citizen comment at each regularly scheduled meeting of the County Board of Commissioners.
3. Comments will be limited to three (3) minutes per person or group. If there is more than one person speaking to the same topic, the Commission Chair may require the group to delegate a spokesperson for the group.
4. The Commission Chair shall have the authority to extend the time limit if there is no objection from the commissioners.
5. Those interested in participating should sign up (name, address, phone number and topic or topics) to speak prior to the meeting. A sign-up sheet will be placed on the podium 30 minutes prior to the beginning of the meeting.
6. Request to speak will be honored in the order in which they appear on the sign-up sheet, unless someone wants to speak on a topic that is not on the current or previous agenda, should this occur, they will speak last.
7. Each person who addresses the commission shall do so in an orderly manner and shall not make personal, impertinent, or profane remarks to any member of the commission, staff, or general public.
8. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of any commission meeting, shall be warned by the Commission Chair to refrain from further inappropriate comments. If such warning is not heeded, the Commission Chair shall ask the person to return to his/her seat.
9. If the individual refuses to return to their seat and or continues to disrupt the meeting, shall at the discretion of the Commission Chair, or a majority of the commission members present, be barred from further audience before that commission meeting.

## **39-17-306. Disrupting meeting or procession.**

(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.

**NOTE:** Class A misdemeanor, not greater than eleven (11) months, twenty-nine (29) days or a fine not to exceed two thousand five hundred dollars (\$2,500), or both, unless otherwise provided by statute.

## Items to consider for local rules

1. List the parliamentary authority the commission is governed by, such as the latest edition of Robert's Rules.
2. Set time limits on how long a member can speak the first and second time they are recognized. Under Robert's Rules they can speak two times and 10 minutes each time.
  - a. Give chairman authority to extend limit when presenter has a problem speaking or is interrupted.
3. Establish a rule that allows a citizen or citizens to address the commission.
  - a. Establish a provision, should several appear to speak on the same topic or issue, giving the chairman the power to cause the group to appoint 2 or 3 to speak on the issue.
  - b. Include a rule that allows those for and those against an issue have equal time
  - c. Require individuals wanting to speak, sign a sheet requiring name, address or district and topic or issue they want to speak about
  - d. Set a maximum time for public comment.
  - e. Consider allowing those that want to comment on something that is on the calendar, the opportunity to speak early in the meeting.
  - f. Consider allowing those that want to speak about something that is not on the calendar to wait later in the meeting.
4. Consider extending the time for which something could be reconsidered. Under Robert's Rules, reconsideration must take place during the same session the item to be reconsidered was voted on. It would be wise not to extend that time beyond the next regularly scheduled meeting.
  - a. Should you extend this time, remember there are somethings you cannot reconsider such as and appointment or election, and after a contract has been signed or an item has been purchased.
  - b. You should always consult an attorney when reconsidering something beyond the meeting in which the original vote took place
  - c. Remember you can always move to rescind or amend a previous action.
5. Define who will chair the organizational meeting should the current chair and chair pro tempore fail to be re-elected. It would probably be wise to let the senior commissioner based on years of continuous service on the commission or the county clerk, chair the meeting until a new chair is elected. However, if you have several commissioners with the same years of continuous service, let them decide amongst themselves who will chair the meeting.



6. Extend the time limits for a recess. Under Robert's Rules, a recess is defined as a short break during a meeting. However, you can extend the recess period anywhere between a short break up to your next regularly scheduled meeting by defining this in your local rules. I do not believe it would be reasonable to extend beyond the next regularly scheduled meeting.
7. Establish a method to amend your local rules. This is usually accomplished by requiring a 2/3 vote to amend.
  - a. Consider allowing the rules to be amended with a simple majority within the first 3 months of a new commissions 4-year term.
8. Establish guidelines as how committee members are appointed and how officers of a committee, chair, vice chair, and secretary, are established.
9. Establish a committee to review your local rules once per year and make a report to the commission and have the report accepted and entered in the minutes.
10. Name standing committees. This is applicable to any committee appointed for a year to address issues as they arise.
11. Establish the number of members for each committee including special committees. NOTE, if your county had adopted one of the Financial Management laws, the law may define the number of members.
12. Establish appointment guidelines for standing and special committees.
  - a. Define how the members are appointed
  - b. Establish terms for committee membership
  - c. State members serve until someone is appointed to replace them, or until they leave office. NOTE: this is suggested as a safeguard should the commission be unable to agree on new committee members.
13. Define the duties of each standing committee.
14. Define the number of committee members required for a quorum.
15. Establish a provision for a consent calendar for non-controversial items.
16. If you make provisions for a consent calendar, you need to establish a method for any commissioner to contest any item on the consent calendar and have it moved to the regular calendar. One method is to have an agenda item that could receive any item bumped from the consent calendar.
17. Define how a member seeks recognition from the chair, such as standing, raising their hand, etc.
18. Consider a rule that would prevent a member from speaking for or

against a matter and then call for the Question.

19. Consider a rule to prevent a member from assigning their remaining debate time to another member.
20. Define how a special meeting is called including public notice
21. Establish a safeguard in the event the commissioners will be forced to file a petition for a special meeting. You want the exact language used in the petition to describe the purpose of the special meeting and be used verbatim in the public notice.
22. Define the methods for voting.
23. Establish a procedure to deal with a citizen who is disrupting a commission or committee meeting.
24. Establish a procedure to deal with a commissioner who is disrupting a commission or committee meeting.
25. Establish the position of parliamentarian.
26. Define how and when a member can change their vote.
27. Establish a rule insuring law enforcement will be at meetings.
28. Establish a procedure to accept or remove roads from county system
29. Establish a procedure to name or change the name of a county road.  
  
**NOTE:** The two procedures above, #28 & #29, should include your county highway official or officials, if you have a road commission or board.
30. Establish temporary rules to use at beginning of organization year.
31. Define adequate notice
32. Define the Standard Order of Business, for the agenda
33. Define a session, under Robert's rules each commission meeting would be a session. I recommend you keep it this way but specify it in your rules.
34. Define commissioner pay and note that it takes a majority of the commission membership to change the method or rate of pay, not a super majority.
35. Define Resolution tracking or numbering system
36. Define how resolutions are presented
37. Define how motions are presented

1	2	3	4	5	6	7	8	9	10
	<b>IN ORDER TO:</b>		<b>MOTION WOULD BE:</b>						
1a	Fix the time to Which to Adjourn (Continue present meeting another time or day)	M	"I move that we adjourn until...."	No	Yes	Yes	Yes	Majority	No
1	Adjourn	P	"I move that we adjourn"	No	Yes	No	No	Majority	No
2	Provide a short term intermission	P	"I move that we recess until...."	No	Yes	No	Yes	Majority	No
3	Raise question of privilege for individual or body , example Complain about noise, lighting, temp, conduct of visitors, etc.	P	"Point of privilege"	Yes-1	No-2	No	No	Chair Rules	No
4	Suspend further consideration of item being discussed	S	"I move to lay the motion on the table"	No	Yes	No	No	Majority	Yes-3
5	End or Close Debate	S	"I move the previous question"	No	Yes	No	No	2/3	Yes-4
	Good to have rule stating you cannot speak on a motion and at the end of speech move previous question		"I move that debate be limited or extended to..."	No	Yes	No	Yes	2/3	Yes
6	Extend or Limit rules of debate	S	"I move we postpone this matter until..."	No	Yes	Yes-5	Yes	2/3	Yes-6
7	Postpone consideration of something	S	"I move we postpone this matter until..."	No	Yes	Yes-5	Yes	2/3	Yes-6
	This can be postponed no longer than the first meeting of the next session								
8	Have a motion investigated	S	"I move we commit, refer or recommit the matter to committee.."	No	Yes	Yes-5	Yes	Majority	Yes-7
	The main motion or amended motion along with any proposed amendments would be referred to a committee.								
9b	Amend an amendment of a pending motion	S	"I move that this amendment be amended by...."	No	Yes	Yes	No	Majority	Yes
9	Amend	S	"I move that this motion be amended by...."	No	Yes	Yes	Yes	Majority	Yes
10	Introduce new business (MAIN MOTION)	M	"I move that...."	No	Yes	Yes	Yes	Majority	Yes

The items listed above are listed in established order of precedence.

There is no order for the items listed below										
11	Verify Vote*	I	"Division of the Assembly"	Yes	No	No	No	Not req.	No	
This motion is used to verify the ruling on the vote was correct										
12	Postpone Indefinitely	I	"I move to postpone the question indefinitely"	No	Yes	Yes	No	Majority	Yes-9	
This is not really indefinitely, the matter can come up again at the first meeting of the next session										
If you have not defined a session in your local rules, the item can come up at the next regular session										
13	Object to breach of conduct or rules	I	"I rise to a Point of Order"	Yes	No	No-10	No	Chair Rule:	No	
14	Reverse a decision of the chair*	I	"I appeal"	Yes	Yes	Yes-11	No	Majority	Yes	
When the vote on an appeal is taken, Aye is to uphold the chair's ruling or decision and No is not to uphold the ruling or decision										

1	2	3	4	5	6	7	8	9	10
	<b>IN ORDER TO:</b>		<b>MOTION WOULD BE:</b>	<b>Interrupt Speaker</b>	<b>Second Required</b>	<b>Debatable</b>	<b>Amendable</b>	<b>Vote required</b>	<b>Can it be reconsidered</b>
15	Take up a question out of order	I	"I move to suspend the rules to..."	No	Yes	No	No	2/3	No
	The quorum requirement cannot be suspended and the 2/3 requirement cannot be suspended								
16	Avoid consideration of an original motion	I	"I object to consideration of this motion"	Yes-12	No	No	No	2/3	Yes-13
	Objection must be made before any debate on the motion. The vote is Aye to consider the motion and No not to consider								
17	Divide the question	I	"I move Division of the question"	No	Yes	No	Yes	Majority	No
18	Consider a long motion by sections, articles or paragraphs	I	"I move that the resolution be considered by paragraph or serialism"	No	Yes	No	Yes	Majority	No
19	Obtain information on rules of the body	I	"Parliamentary Inquiry"	Yes	No	No	No	Not req	NA
20	Obtain information relevant to business	I	"Request for Information or point of information"	Yes	No	No	No	Not req	No
21	You want to lift something from the table	B	"I move that we Take from the Table..."	No	Yes	No	No	Majority	No
	After a motion is tabled, business must be transacted before the motion to lift can be made								
22	You want to rescind or amend a previous action	M/B	"I move to Rescind/Amend...."	No	Yes	Yes	Yes	Varies-15	Yes-14
	Cannot be used when a resignation has been acted upon or a person has been elected/ always consult with county attorney in these matters								
23	Bring a referred item back to the Body that was sent to a committee	M/B	"I move to Discharge Committee..."	No	Yes	Yes	Yes	Varies-15	Yes-14
	Can only be made when nothing else is pending and requires 2/3 vote if previous notice of the motion has not been given, It only requires a majority vote if committee fails to report when instructed								
24	You want to Reconsider a previous action	B	"I move to Reconsider..."	Yes-16	Yes	Varies-17	No	Majority	No
	Someone on the prevailing side must make the motion/ must be made the same day as previous action								
25	Ratify, or Confirm	M	"I move to Ratify..."	No	Yes	Yes	Yes - 18	Varies-19	Yes
26	You want to conform to order of business	P	"I call for the orders of the day"	Yes	No	No	No	No	No

Classification symbols: M = main motions; S = subsidiary motions; P = privileged motions; I = incidental motions; B = motions that bring a question again before the body; M/B = incidental main motions classed with motions that bring a question again before the assembly. (1) Don't interrupt unless unavoidable; (2) if question of privilege is raised in form of a motion it is debatable; (3) only if previous vote was negative. (4) Yes; but if vote was affirmative, only before any vote has been taken under it; (5) Debate on motion must be confined to its merits only, and cannot go into main question except as necessary for debate of the immediately pending question. (6) A negative vote on this motion can be reconsidered only until such time progress in business or debate has made it essentially a new question. (7) If committee has not begun work on the matter; (8) except when bylaws, local rules or state law require more than a majority vote; (9) affirmative vote only; (10) chair can permit full explanation and can submit question to assembly, in which case the rule for debate under appeal applies; (11) Debate on motion or proposal must be confined to its merits, and cannot go into the main question except as necessary for debate of the immediately pending question, no member is allowed to speak more than once except the presiding officer; (12) until debate has begun or a subsidiary motion other than lay on the table has been stated by the chair; (13) negative vote (sustaining the objection) only; (14) negative vote only; (15) Majority if notice given, if no notice 2/3; (16) when another has been assigned the floor, but not after he has begun to speak; (17) if motion to be reconsidered is debatable, in which case debate can go into that question. (18) cannot amend a Private Act. (19) Requires 2/3 vote to ratify a Private Act, all other votes would be by majority.

## **Adoption of Roberts Rules of Order**

### **ADOPTION OF ROBERTS RULE OF ORDER**

Motion by Larry Baker, seconded by Joe Spoone to approve the adoption of the latest Roberts Rule of Order for all county boards, commissions, and committees.

Voting for: all

Voting against: none

### **RESOLUTION-ADDITIONAL LITIGATION TAX**

Motion by Tony Sizemore, seconded by Frank Parker that the following resolution raising the litigation tax be approved with all additional funds going to jail debt service.

Voting for: all

Voting against: none

This is to certify that these minutes were approved by  
Hamblen County Legislative Body on

August 24, 2000.

Herbert Harville  
Herbert Harville, Chairman

Linda Wilder  
Linda Wilder, Hamblen County Clerk

## **Architectural and Engineering Services**



**RULES  
OF  
STATE BOARD OF ARCHITECTURAL AND  
ENGINEERING EXAMINERS**

**CHAPTER 0120-02  
RULES OF PROFESSIONAL CONDUCT**

**TABLE OF CONTENTS**

0120-02-.01	Applicability	0120-02-.06	Acceptance of Work
0120-02-.02	Proper Conduct of Practice	0120-02-.07	Misconduct
0120-02-.03	Service in Areas of Competence	0120-02-.08	Seals
0120-02-.04	Public Statement	0120-02-.09	Civil Penalties
0120-02-.05	Conflicts of Interest	0120-02-.10	Other Enforcement Actions

**0120-02-.01 APPLICABILITY.**

- (1) The provisions of this chapter shall apply to any person registered to practice architecture, engineering or landscape architecture in this State and to any partnership or corporation engaged in the practice of architecture, engineering or landscape architecture in this State. For the purpose of this chapter, unless the context otherwise requires, the word "registrant" includes any such person, partnership or corporation.
- (2) In addition, rule 0120-02-.09 CIVIL PENALTIES, paragraphs (2) through (4), shall apply to any person required to be registered to practice architecture, engineering or landscape architecture in this State, regardless of whether such person has actually obtained registration.

**Authority:** T.C.A. §§ 56-1-308 and 62-2-203(c). **Administrative History:** Original rule was certified May 3, 1974. Amendment filed April 15, 1980; effective May 30, 1980. Amendment filed December 9, 1991; effective January 23, 1992.

**0120-02-.02 PROPER CONDUCT OF PRACTICE.**

- (1) The registrant shall at all times recognize the primary obligation to protect the safety, health and welfare of the public in the performance of the registrant's professional duties.
- (2) If the registrant becomes aware of a decision taken by an employer, client, or contractor, against the registrant's advice, which violates applicable Federal, State or Local building Laws and Regulations or which may affect adversely the safety to the public, the registrant shall:
  - (a) Report the decision to the local building inspector or other public official charged with the enforcement of the applicable Federal, State or Local building Laws and Regulations;
  - (b) Refuse to consent to the decision; and
  - (c) In circumstances where the registrant reasonably believes that other such decisions will be taken notwithstanding the registrant's objections, terminate services with reference to the project.
- (3) A registrant possessing knowledge of a violation of T.C.A. Title 62, chapter 2, or this chapter, shall report such knowledge to the Board in writing and shall cooperate with the Board in furnishing such further information or assistance as it may require.

(Rule 0120-02-.02, continued)

- (4) The registrant shall maintain the continuing education records required by rule 0120-05-.10 records for a period of four (4) years and shall furnish such records to the Board for audit verification purposes within thirty (30) days of the Board's request.
- (5) A registrant possessing knowledge of an applicant's qualifications for registration shall respond in writing to the Board regarding those qualifications when requested to do so by the Board.
- (6) A registrant may not enter into a contract for professional services on any basis other than direct negotiation with any governmental entity that is prohibited by T.C.A. § 12-4-106(a)(2)(A) from making a selection or awarding a contract on the basis of competitive bids, thereby precluding participation in any system requiring a comparison of compensation. Upon selection, a registrant may state compensation to a prospective client in direct negotiation where architectural, engineering, or landscape architectural services necessary to protect the public health, safety, and welfare have been defined.

**Authority:** T.C.A. §§ 62-2-203(c) and (d) and 62-204. **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed December 11, 2012; effective March 11, 2013.

#### 0120-02-.03 SERVICE IN AREAS OF COMPETENCE.

- (1) The registrant shall perform his services only in areas of his competence. The registrant shall undertake to perform professional assignments only when qualified by education or experience in the specific technical field involved.
- (2) The registrant may accept an assignment requiring education or experience outside of his own field of competence, but only to the extent that his services are restricted to those phases of the project in which he is qualified. All other phases of such project shall be performed by qualified associates, consultants or employees.
- (3) The registrant shall not affix his signature and/or seal to any plan or document dealing with subject matter in which he lacks competence acquired through education or experience, nor to any plan or document not prepared by him or under his responsibility.
- (4) In the event a question as to the competence of a registrant to perform a professional assignment in a specific technical field arises and cannot be otherwise resolved to the satisfaction of the Board of Examiners for Architects and Engineers, the Board, upon request of the registrant or by its own volition, may require him to submit to whatever examination it deems appropriate.
- (5) In providing services, the registrant shall take into account all applicable Federal, State and Local building Laws and Regulations. The registrant shall not knowingly provide services resulting in violation of such laws and regulations.
- (6) Incompetence. The following acts or omissions, among others, may be deemed to be "incompetence" pursuant to T.C.A. §62-2-308(a)(1)(B), and to be cause for denial, suspension or revocation of a certificate of registration to practice architecture, engineering or landscape architecture and/or the imposition of any other lawful discipline:
  - (a) Malpractice. Incompetence includes, but is not limited to, recklessness, or excessive errors, omissions or building failures in the registrant's record of professional practice.

**RESOLUTION FOR ARCHITECTURAL AND ENGINEERING SERVICES**

Motion by Bobby Reinhardt, seconded by Linda Noe to approve the following resolution regarding the use of statement of interest and qualifications in procuring architectural and engineering services.

Voting for: all

**RESOLUTION OF THE HAMBLLEN COUNTY LEGISLATIVE BODY**

***USE OF STATEMENT OF INTEREST AND QUALIFICATIONS  
IN PROCURING ARCHITECTURAL AND ENGINEERING SERVICES***

**Whereas** there are many firms capable of providing quality professional architectural and/or engineering services to Hamblen County; and

**Whereas** the Hamblen County Legislative Body desires to allow such firms to submit a Statement of Interest and Qualifications to provide architectural and/or engineering services to Hamblen County when the services of a licensed architect and/or engineer are required on a project,

**Now, therefore,** be it resolved by the Hamblen County Legislative Body that a Statement of Interest and Qualifications shall be used whenever the services of a licensed architect and/or engineer are required or needed for county projects and that the basic guidelines for a Statement of Interest and Qualifications as found in the document attached to this resolution are adopted as the framework and procedure for handling the procurement of architectural and/or engineering services.

Joe Spone  
Chairman Joe Spone

David Purkey 7/1/06  
County Mayor David Purkey

ATTEST: Linda Wilder  
Linda Wilder, County Clerk

**BASIC GUIDELINES FOR USE BY HAMBLLEN COUNTY WHEN  
REQUESTING A STATEMENT OF INTEREST AND QUALIFICATIONS IN  
THE PROCUREMENT OF ARCHITECTURAL AND/OR ENGINEERING  
SERVICES**

In using a Statement of Interest and Qualifications in the procurement of architectural and/or engineering services, the Hamblen County Legislative Body desires to adopt certain guidelines for qualifications information to be requested from architects and engineers.

In submitting a Statement of Interest and Qualifications, architects and/or engineers shall provide, at a minimum, the following information about their firm. Additional information may be requested by the Construction Oversight Committee or by such other Committee charged with procuring such services with the County Mayor serving *ex officio*.

1. Scope of architectural or engineering services to be provided.
2. A Statement of Qualifications
  - a. License
  - b. Errors and Omissions Insurance
  - c. Principals
  - d. Education and Experience of Principals and Key Personnel
3. A statement of factors that could reduce or minimize the cost of architect's or engineer's services
4. List of completed projects similar in scope to the Project
5. References/List of clients and projects completed by firm principals within the previous three (3) years.
6. Authorization of architect/engineer to allow Hamblen County to inquire of clients regarding performance and qualifications.
7. Names of consultants, and engineers, if any, to be used by the architect. Names of consultants, if any to be used by the engineer.

The Construction Oversight Committee or such other committee as designated by the Chairman of the Hamblen County Legislative Body (with the County Mayor serving *ex officio*) shall review all Statements of Interest and Qualifications and rank the firms based on qualifications, shall conduct interviews with as many as the top three ranked firms, and shall then select a firm deemed to be qualified to provide the services required.

The Construction Oversight Committee or such other committee as designated by the Chairman of the Hamblen County Legislative Body (with the County Mayor serving *ex officio*) shall then attempt to negotiate a contract with the firm deemed qualified at compensation which the committee determines to be fair and reasonable.

In making a determination of what is fair and reasonable compensation, the Construction Oversight Committee or such other committee as designated by the Chairman of the Hamblen County Legislative Body (with the County Mayor serving *ex officio*) shall take into account the estimated value of the services to be rendered, the scope of the work, and the complexity and professional nature thereof.

Should the Construction Oversight Committee or such other committee as designated by the Chairman of the Hamblen County Legislative Body (with the County Mayor serving *ex officio*) be unable to negotiate a satisfactory contract with the firm considered to be qualified, at a price determined to be fair and reasonable, negotiations will continue with other qualified firms until an agreement is reached.

Upon reaching an agreement on terms and compensation, the contract shall be brought to the Hamblen County Legislative Body for approval.

BE IT REMEMBERED that the Legislative Body Session for Hamblen County, Tennessee met at its regular monthly meeting on June 22, 2006 at 5:00 p.m. in the Hamblen County Courthouse with the Honorable Joe Spoone presiding.

The Legislative Body Session was opened by Pondy Drinnon.

Invocation was given by Tom Lowe.

The Pledge of Allegiance was led by Nancy Phillips.

Upon roll call the following members were present:

Larry Baker	Tom Lowe
Ricky Bruce	Linda Noe
Guy Collins	Edwin Osborne
Doyle Fullington	Nancy Phillips
Donald Gray	Bobby Reinhardt
Herbert Harville	Joe Spoone
Absent: Dennis Alvis	
Maudie Briggs	

#### **MINUTES APPROVAL**

Motion by Guy Collins, seconded by Larry Baker that the minutes of the commission meeting on May 18, 2006 be approved.

Voting for		Voting against	Absent
Larry Baker	Tom Lowe	None	Dennis Alvis
Ricky Bruce	Linda Noe		Maudie Briggs
Guy Collins	Edwin Osborne		
Doyle Fullington	Nancy Phillips		
Donald Gray	Bobby Reinhardt		
Herbert Harville	Joe Spoone		

#### **NOTARIES AND BONDSMEN**

Motion by Larry Baker, seconded by Guy Collins to approve the following notaries and their bondsmen.

Voting for: all

## **10-Day Rule**

BE IT REMEMBERED that the Legislative Body Session for Hamblen County, Tennessee met at its regular monthly meeting on February 24, 2005 at 5:00 p.m. in the Hamblen County Courthouse with the Honorable Joe Spoone presiding.

The Legislative Body Session was opened by Sheriff Otto Purkey.

Invocation was given by Commissioner Dennis Alvis.

The Pledge of Allegiance was led by Commissioner Nancy Phillips.

Upon roll call the following members were present:

Dennis Alvis	Herbert Harville
Larry Baker	Tom Lowe
Maudie Briggs	Linda Noe
Ricky Bruce	Edwin Osborne
Guy Collins	Nancy Phillips
Doyle Fullington	Bobby Reinhardt
Donald Gray	Joe Spoone

#### **MINUTES APPROVAL**

Motion by Guy Collins, seconded by Larry Baker to approve the minutes of the previous meeting

Voting for		Voting against
Dennis Alvis	Herbert Harville	None
Larry Baker	Tom Lowe	
Maudie Briggs	Linda Noe	
Ricky Bruce	Edwin Osborne	
Guy Collins	Nancy Phillips	
Doyle Fullington	Bobby Reinhardt	
Donald Gray	Joe Spoone	

Motion by Maudie Briggs, seconded by Larry Baker to add to the agenda an application for a beer permit.

Voting for: all                      Voting against: none

#### **NOTARIES AND BONDSMEN**

Motion by Larry Baker, seconded by Guy Collins to approve the following notaries and their bondsmen.

Voting for: all                      Voting against: none



### **MILEAGE REIMBURSEMENT RATE**

Motion by Maudie Briggs, seconded by Larry Baker to approve the adoption of the amendment to the travel policy adjusting the mileage rate to match the state rate of \$.38/mile.

Voting for	Voting against	Absent
Dennis Alvis	None	Donald Gray
Larry Baker		
Maudie Briggs		
Ricky Bruce		
Guy Collins		
Doyle Fullington		
Herbert Harville		
Linda Noe		
Edwin Osborne		
Nancy Phillips		
Bobby Reinhardt		
Joe Spoone		

(Tom Lowe was out of the courtroom at the time of this vote)

### **10 DAY RULE**

Motion by Maudie Briggs, seconded by Herbert Harville to have contracts put in regular committee packets to discuss at committee, but take no action until the following month's committee meeting.

(Tom Lowe returns to the courtroom)

Voting for: all      Voting against: none

### **ELECTION COMMISSION SIGN**

Motion by Dennis Alvis, seconded by Tom Lowe to approve the sign for the Election Commission Office in the amount of \$125.

Voting for: all      Voting against: none

### **CHEROKEE PARK PARKING CONCESSION AGREEMENT**

Motion by Dennis Alvis, seconded by Tom Lowe to accept the following agreement between Cherokee Park and the Rescue Squad.

Voting for: all      Voting against: none

This is to certify that these minutes were approved by the Hamblen County  
Legislative Body on

March 24, 2005.

Joe Spone  
Joe Spone, Chairman

Linda Wilder  
Linda Wilder, Hamblen County Clerk

**CLARIFICATION 10 DAY RULE**

Motion by Herbert Harville, seconded by John Smyth to approve the request for clarification of the "10 DAY RULE-Contracts will be put in the regular committee packets to be discussed at the committee meeting, but no action will be taken until the subsequent County Commission meeting (normally 10 days after the monthly committee meeting)."

<b>Chair R. Eldridge</b>	<b>YES</b>	<b>L. Carter</b>	<b>YES</b>	Roll Call
<b>S. Ford</b>	<b>YES</b>	<b>VChair H. Shipley</b>	<b>YES</b>	Discussion
<b>J. Walker</b>	<b>YES</b>	<b>T. Ward</b>	<b>YES</b>	Voting...
<b>R. Debord</b>	<b>YES</b>	<b>J. Smyth</b>	<b>(2) YES</b>	Results
<b>H. Davis</b>	<b>YES</b>	<b>T. Goins</b>	<b>YES</b>	Agenda
<b>H. Harville</b>	<b>(M) YES</b>	<b>D. Wampler</b>	<b>YES</b>	Setup
<b>J. Huntsman</b>	<b>YES</b>	<b>L. Jarvis</b>	<b>YES</b>	Options

6b.

Passed (14 YES - 0 NO - 0 ABS - 0 Absent)

Majority Vote : &gt;

### **MILEAGE REIMBURSEMENT RATE**

Motion by Maudie Briggs, seconded by Larry Baker to approve the adoption of the amendment to the travel policy adjusting the mileage rate to match the state rate of \$.38/mile.

Voting for	Voting against	Absent
Dennis Alvis	None	Donald Gray
Larry Baker		
Maudie Briggs		
Ricky Bruce		
Guy Collins		
Doyle Fullington		
Herbert Harville		
Linda Noe		
Edwin Osborne		
Nancy Phillips		
Bobby Reinhardt		
Joe Spooone		

(Tom Lowe was out of the courtroom at the time of this vote)

### **10 DAY RULE**

Motion by Maudie Briggs, seconded by Herbert Harville to have contracts put in regular committee packets to discuss at committee, but take no action until the following month's committee meeting.

(Tom Lowe returns to the courtroom)

Voting for: all                  Voting against: none

### **ELECTION COMMISSION SIGN**

Motion by Dennis Alvis, seconded by Tom Lowe to approve the sign for the Election Commission Office in the amount of \$125.

Voting for: all                  Voting against: none

### **CHEROKEE PARK PARKING CONCESSION AGREEMENT**

Motion by Dennis Alvis, seconded by Tom Lowe to accept the following agreement between Cherokee Park and the Rescue Squad.

Voting for: all                  Voting against: none

## **10 DAY RULE**

Randy DeBord asked if we had a motion. Tim Goins made motion, seconded by Jim Stepp to rescind the 10 Day Rule for Contract Approvals.

Voting for:

Howard Shipley  
Jim Stepp

Against:

Jeff Akard	Joe Huntsman
Eileen Arnwine	Tim Horner
Chris Cutshaw	Wayne NeSmith
Randy DeBord	Mike Reed
Thomas Doty	Taylor Ward
Tim Goins	
Bobby Haun	

Motion Failed.

6.e.

September 24, 2020