

2012 OCT 24 PM 2: 53

**RULES AND PROCEDURES
FOR THE METROPOLITAN
BOARD OF FAIR COMMISSIONERS**

FILED
METROPOLITAN

- I. PURPOSE.** These rules and procedures provide for the orderly disposition of the business of the Metropolitan Board of Fair Commissioners (Fair Board). These rules deal with procedural matters and should not be confused with substantive rules promulgated by the Fair Board to set standards determining whether a specific action may be taken.
- II. AUTHORITY.** These rules and procedures are adopted pursuant to the authority vested in the Fair Board by Sections 11.601 and 11.602 of the Charter of the Metropolitan Government and Chapter 515 of the Private Acts of 1923, as amended (hereinafter "1923 Private Act").
- III. COMMISSIONERS AND BOARD OFFICERS.** The numbers, qualification and appointment of Commissioners, their terms of office and the filling of vacancies shall be in accordance with section 11.601 of the Charter of the Metropolitan Government. Officers shall be Chairperson, Vice-Chairperson and Secretary.
- A. ETHICAL CONDUCT.** Commissioners shall conduct themselves in accordance with the "Standards of Ethical Conduct" established in Chapter 2.222 of the Metropolitan Code of Laws ("MCL").
- B. ELECTIONS.** The Chairperson and Vice-Chairperson are positions that shall be elected once a year. Multiple consecutive terms are permitted. Such elections shall take place at the June meeting.
- C. BOARD OFFICERS**
- 1. Chairperson.** The Chairperson shall preside at all meetings of the Fair Board. Except as otherwise authorized by the Fair Board, he/she shall sign and the Secretary shall attest, all contracts, reports and instruments adopted by the Fair Board. The Chairperson may submit such recommendations and information as he/she may consider proper concerning the business affairs, and policies of the Fair Board. Further, the Chairperson shall have the right to debate and vote on any issue before the Fair Board.
 - 2. Vice-Chairperson.** In the absence or incapacity of the Chairperson, the Vice-Chairperson shall have the duties of the Chairperson. In the case of resignation of the Chairperson, the Vice-Chairperson shall perform the duties until power formally passes to a new Chairperson.

In the absence of both the chairperson and the Vice-Chairperson, when a quorum is present for a regular or special meeting, an interim Chairperson shall be elected from those present.

3. **Secretary.** The Secretary shall keep or cause to be kept a full record of all proceedings of the Fair Board, including a record of all votes, in a journal of proceedings kept for this purpose and identified as "The Minutes of the Board of Fair Commissioners." He/she shall perform other duties with regard to records, including certification of transcripts and attestation of contracts or others documents, as the Fair Board may direct.

4. **Minutes and Records.** Each action of the Fair Board recorded in the minutes and supporting documents shall be retained. The entire proceedings shall be recorded and that record shall be a part of the public record. All such records shall be available for review by the public in accordance with applicable ordinances and laws.

D. **VACANCIES.** Should the office of Chairperson or Vice-Chairperson become vacant, the Fair Board shall, at its next regular meeting, determine the successor to the position.

IV. **STAFF.** The Fair Board may appoint such employees as it deems necessary and may contract for services in compliance with the 1923 Private Act and with Sections 11.601 and 11.602 of the Metropolitan Charter.

A. **EXECUTIVE DIRECTOR.** An Executive Director shall be appointed by the Fair Board. He/she shall serve as technical advisor and Secretary to the Fair Board, shall appoint subordinate personnel with the approval of the Fair Board, and shall have the authority, duties, and responsibilities as may be required by the Fair Board or provided for by ordinance.

B. **ADDITIONAL PERSONNEL.** Additional personnel may be hired to perform duties necessary to accomplish the staff responsibilities set forth by the Fair Board.

C. **ETHICAL CONDUCT.** The Fair Board Employees shall follow the ethical guidelines set forth in Metropolitan Government Executive Order No. 007 (Mayor Karl Dean) and MCL 2.222 .

D. **DISCRIMINATION.** The Fair Board shall not discriminate on the basis of race, sex, creed, national origin, disability or age in hiring, promotion or awarding of contracts.

V. MEETINGS. Regular meetings of the Fair Board shall be held a minimum of one time per month for at least 8 months each year. These meetings shall be held at a time and place within Davidson County established by the Fair Board and consistent with the provisions of MCL 2.68. (In the event of a need to cancel and/or reschedule a meeting, the Board Chairperson will decide whether a special rescheduled meeting is needed). Regular meetings of the Fair Board may involve different kinds of transactions. Except on occasions where a public hearing is set, the Board will uniformly base its decision on information and recommendations presented to the Board by the Executive Director and/or Staff. Commissioners may ask questions of others for clarification of factual matters.

A. SPECIAL MEETING. A special meeting may be called by the Chairperson or upon the written request of three or more Commissioners. Written notification of the time, place and purpose of the meeting shall be promptly delivered to each Commissioner. At a special meeting, only the business designated at the sole purpose of the meeting may be transacted.

B. QUORUM. The presence of three (3) Commissioners shall constitute a quorum for the transaction of business. A majority vote of the Commissioners present shall be required to decide any action taken by the Fair Board.

C. MANNER. All matters requiring a vote that come before the Fair Board shall be made by roll call vote. The ayes and noes shall be entered into the minutes reflecting the vote of each Commissioner. When a vote is unanimous, it shall be sufficient to record the vote as unanimous. Roberts Rules of Order shall govern all procedures not addressed in the rules.

D. OPEN MEETINGS ACT. All meetings of the Metropolitan Board of Fair Commissioners shall be open to the public pursuant to the Tennessee Open Public Meetings Act, T.C.A. Section 8-44-101, et.seq.

E. PUBLIC COMMENT: REQUEST TO SPEAK AT A BOARD MEETING. All requests to address the Fair Board on matters, other than during a public hearing scheduled by the Fair Board, must be made in writing, and delivered to the Executive Director at least 48 hours before the Board Meeting. The letter must identify the reason(s) for the request, and the Fair Board shall be the sole judge of whether the request is granted. Copies of the letter will be reviewed by the Commissioners and they will decide if the matter is appropriate for inclusion at the Board meeting.

F. PUBLIC HEARINGS. The board may choose to hold a public hearing on certain matters.

1. **NOTICE.** Notice of a public hearing shall be provided by publishing the agenda as required under MCL 2.68.020.
2. **PROCEDURE.** All public hearing shall be conducted in the following manner.
 - a. Staff will present an overview of the agenda item and present the Board with a recommendation.
 - b. When it is applicable, a report from another board or entity of Metropolitan Government shall be presented.
 - c. First Commissioners, and then the public may ask Staff to clarify the content of the agenda item to be acted upon.
 - d. Any member of the Metropolitan Council who desires to speak on a public hearing agenda item may do so.
 - e. At the sole discretion of the Fair Board, and when the best interests of the Fair Board are served, the Fair Board may allow the presentation of viewpoints. If so various viewpoints will be presented in the following manner:
 - a. The proponents will speak.
 - b. The opponents will speak.
 - c. The Fair Board shall establish reasonable time limits with consideration given to the time constraints of the agenda and the complexity of the issues. A specified equal time for rebuttal arguments may be granted by the Fair Board if deemed appropriate.
 - d. At the appropriate time, the Chairperson shall declare the public hearing for the agenda item closed.

G. WITNESSES AND TESTIMONY. Pursuant to section 18.10 of the Charter of the Metropolitan Government, the Fair Board may compel the attendance of witnesses and the production of books, papers and other records pertinent to an issue.

H. SPECIFIC RULES. Because the diversity of actions before the Fair Board, this section promulgates specific rules applicable to certain actions.

1. **DEFERRALS.** The Fair Board may defer action on any item provided the reason for the deferral is reflected in the motion to defer.

2. **REHEARING REQUEST.** Any aggrieved party or a Commissioner may, within sixty (60) days after the Fair Board action, request a rehearing. The request must be filed in writing by the aggrieved party at least fourteen (14) days prior to a Fair Board meeting; or announced by a sitting Commissioner at a regular meeting. The request must state what conditions have changed or what new information is available that may serve as cause for a rehearing. The Metropolitan Councilperson in whose district the subject of the rehearing lies shall be notified immediately of the date on which decisions regarding rehearsings shall be made.
3. **REHEARING DECISION.** A motion to rehear may be made and seconded by any Commissioner who voted with the majority in the first action on the issue. A simple majority of the Commissioners present, and constituting a quorum, is sufficient to carry a motion to rehear. If the motion to rehear passes, the issue may be heard at that point and Fair Board action taken; unless the issue was originally heard at a public hearing. In that case, the issue must be set for another public hearing before any action is taken.
4. **CAPITAL BUDGET.** In compliance with Section 6.13 of the Metropolitan Charter and the schedule set by the Metropolitan Government, the Fair Board shall submit a list of recommended capital improvements to the Metropolitan Planning Commission and to any other appropriate Metropolitan Government authorities that may be required in the budgeting process. The list shall consist of the capital improvements that in the opinion of the Fair Board are necessary and desirable to be made over the forthcoming six (6) year period. The priority of each capital improvement shall be indicated, as well as, the year in which it should be made.

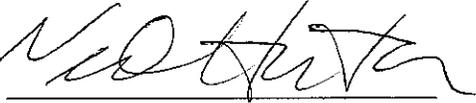
VI. INTERPRETATION OF RULES. The Fair Board is the final authority as to the meaning of the rules. As the need arises, the Fair Board may make an exception to these rules for extraordinary cases, setting out the reasons for such exception.

VII. AMENDMENTS. These rules may be amended at any regular or special meeting of the Fair Board by the positive vote of three (3) Commissioners provide that all Commissioners have been notified by mail of the proposed amendment within a reasonable time prior to the Board Meeting.

VIII. PAST BY-LAWS. After the rules are approved by the Fair Board, any other rules, procedures or by-laws previously adopted by the Fair Board are repealed.

IX. FILING PROCEDURE AND EFFECTIVE DATE. These rules shall become effective on the 2nd day of 2012, and a certified copy shall be sent to the Metropolitan Clerk.

APPROVED ON THE 2nd DAY OF October, 2012.


Chairperson


Secretary