

RESOLUTION NO. 23-03-016

SPONSORED BY COMMISSIONERS JARED ANDERSON AND MIKE AKARD

**A RESOLUTION OF THE BLOUNT COUNTY COMMISSION REQUIRING
TRANSPARENCY IN THE MAKING OF NOMINATIONS**

WHEREAS, it has been declared by the Tennessee General Assembly that it is “the policy of this state that the formation of public policy and decisions is public business and shall not be conducted in secret.”

WHEREAS, the Nominating Committee of Blount Memorial Hospital, Inc., according to the charter and bylaws of such organization, makes binding nominations that may only be confirmed or rejected by the Blount County Commission,

WHEREAS, it has been determined that the Nominating Committee of Blount Memorial Hospital, Inc., has not been complying with the requirements of the Open Meetings Act, specifically:

- (1) By failing to give public notice of their meetings as required by Tenn. Code Ann. § 8-44-103; and
- (2) By not promptly and fully recording minutes of their meetings, which shall be open to public inspection, including, but not limited to, a record of persons present, all motions, proposals and resolutions offered, the results of any votes taken, and a record of individual votes in the event of roll call as required by Tenn. Code Ann. § 8-44-104.

WHEREAS, any nominations coming to the Blount County Commission inherently involve public business and should not be determined in secret by any board, committee, council, commission, or other body of a public nature.

NOW THEREFORE BE IT RESOLVED that the Blount County Board of Commissioners hereby declares that it shall be the general policy of this Commission that nominations from other boards, committees, councils, commissions, or other governing bodies shall only be considered by this County Commission if the decision to make such nomination was reached strictly in accordance with the requirements of the Tennessee Open Meetings Act.

BE IT FURTHER RESOLVED that in furtherance of the above general policy, the Rules of the Blount County Board of Commissioners are hereby amended by adding a new Rule 7E as follows:

7E. OPEN MEETING REQUIREMENTS. When the charter or bylaws of a non-profit entity provide that such entity or a board, committee, council, or commission related to such entity is to provide nominations for consideration to the Blount County Commission, the nomination submitted must be accompanied by a certification from the chair, president, or secretary of such entity, board, committee, council, or commission that to the best of such officer’s knowledge, information, and belief, the nomination of _____[name of nominee(s)] was made in a meeting of _____[nominating body name] held on _____[date], and such meeting

complied with all of the requirements imposed on governing bodies in the Tennessee Open Meetings Act (codified at Tenn. Code Ann. § 8-44-101 et. seq.) as though such requirements applied to the meeting and regardless of whether the Act usually applies to other meetings of the said nominating body.

The consideration of any such nomination lacking such certification shall be deemed out of order upon a validly raised point of order, and the only motion in order on the nomination at that time shall be a referral back to the nominating entity.

Without limiting the foregoing, this rule shall specifically apply to nominations of individuals to serve on the Blount Memorial Hospital Board of Directors coming from the Blount Memorial Hospital Nominating Committee.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION TAKE EFFECT FROM AND AFTER PASSAGE, THE PUBLIC WELFARE REQUIRING IT.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____

County Mayor

Date