

August 10, 2004

Mrs. Emma Caldwell, City Recorder
City of Jacksboro
P.O. Box 75
Jacksboro, Tennessee 37757

Re: Counting of Board Votes

Dear Mrs. Caldwell

You have asked how a board vote of two for, one abstention, and one passing is to be recorded.

The city charter states that a quorum is a majority of the entire board, or three of the five members. There were four members present and only two voting. The abstention is recorded neither as a yes vote or a not vote. It is recorded as not voting. When a board member passes he is saying to the chair, come back to me, I pass for now. In this instance his vote is recorded as not voting, neither yes or no. The chair should come back to the board member prior to the final vote tally and ask for a yes, no, or abstention.

If the vote is for the approval of an ordinance, it must be passed by a majority of members present (TCA 6-2-102). If the vote is on a resolution or simple motion, under common law provisions it must be passed by a majority of members present and voting, or two members in this instance.

Enclosed is a copy of TCA 6-2-102 and a copy of a letter written by Sid Hemsley, MTAS Senior Legal Consultant, explaining the recording of votes. Please call me if you have further questions.

Sincerely

Ron Darden
Municipal Management Consultant