

ARTICLE II. RULES OF PROCEDURE

Sec. 7.5-61. Adoption.

The rules set out in this division are adopted as the rules of procedure for the council of the city, unless, otherwise waived or modified by the council.

(Code 1962, § 11-102)

Sec. 7.5-62. Rule 1: Robert's Rules of Order.

Except as otherwise specifically provided by the rules adopted in this division, council meetings will be governed by Robert's Rules of Order Newly Revised.

(Code 1962, § 11-102; Ord. No. O-199-2015, § 1, 10-27-2015)

Sec. 7.5-63. Rule 2: Order of business.

The regular order of business shall be as follows:

- (1) Call to order.
- (2) Invocation and pledge to flag.
- (3) Roll call.
- (4) Approval of minutes.
- (5) Announcements and extraordinary matters, adoption of agenda:

a. Memorials

- ba. Consent items (uncontroversial matters as determined by the unanimous consent of those councilmembers in attendance).

When matters on the consent calendar are called up, they shall be considered without debate or amendment.

An objection from any one member of council shall cause the item be restored to the ordinary process by which items are placed in line for consideration of the regular agenda.

The recorder shall report if there are persons registered to speak on items included on the consent calendar.

bc. Resolutions:

1. Acceptance of grants.
2. Approval of pensions.
- ~~3. Setting of date of public hearing.~~

ed. Ordinances:

1. Ordinances on second reading which were approved on first reading by a unanimous vote of members present and voting.
2. Rezoning which have been approved by the ~~metropolitan~~ planning commission and staff and no opposition was present.

3. Appropriations of community improvement funds.

- (6) Mayor's report.
- (7) Reports of committees or councilmembers serving on committees or boards.~~councilmembers or committees.~~
- (8) Announcements of community or neighborhood meetings and events.
- (8) Elections and confirmations.
- (9) Proposed ordinances on second reading.
- (10) Hearing on zoning matters; appeals from action of ~~metropolitan~~ planning commission.
- (11) Resolutions ~~and memorials.~~
- (12) Proposed ordinances on first reading.
- (13) Public forum, ~~time limit five (5) minutes per person, maximum time thirty (30) minutes.~~
- (14) Adjournment.

(Code 1962, § 11-102)

Sec. 7.5-64. Rule 3: Vice-mayor.

A vice-mayor shall be elected by the council at an organizational meeting to be held on the third Saturday of December following the regular biannual council elections. The vice-mayor shall preside at council meetings in the absence of the mayor. Any member of council serving in the capacity of vice-mayor shall at all times retain his full right to vote. The vice-mayor shall have the authority and responsibility for overseeing the administrative activities of the council.

(Code 1962, § 11-102; Ord. No. O-3-96, § 1, 1-16-96)

Sec. 7.5-65. Rule 4: Election or confirmation of officers.

All officers subject to election or confirmation by the council shall be elected or confirmed by a majority of the entire membership of the council, except where other requirements are established by the charter, ordinance or general law.

(Code 1962, § 11-102)

Sec. 7.5-66. Rule 5: Audit committee.

- (a) The audit committee shall be a regular standing committee of the council which shall serve to supervise the annual audit of accounts of the city and to perform such other financial audits or reviews as the council or the members of the audit committee may deem appropriate.

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- (b) The audit committee shall be composed of seven (7) members. Four (4) members shall be current members of the council appointed by the vice-mayor, subject to council approval. Three (3) non-city council members shall have experience in auditing, finance, accounting, law, or relevant compliance fields and be recommended by an audit committee member or by local chapters of relevant professional associations. A list of professional associations shall be maintained by the audit committee. Recommendations shall be reviewed by the audit committee and nominations made to council for approval. Any nominee should be a member of their corresponding professional association.
- (c) City council members shall each serve for two (2) years or until a successor is otherwise duly appointed and approved. Any vacancy on the audit committee likewise shall be filled by appointment of the vice-mayor, subject to council approval, for the remainder of the term of the member whose position has become vacant. The terms of non city council members shall be three (3) years. Initial appointments will be staggered as follows:

Seat A - 1 year;

Seat B and C - 3 years.

(Ord. No. O-17-96, § 3, 1-30-96; Ord. No. O-465-01, § 1, 12-15-01; Ord. No. O-139-2023, § 1, 9-5-23)

Editor's note(s)—Ord. No. O-17-96, § 3, adopted Jan. 30, 1996, repealed § 7.5-66, which pertained to Rule 5: standing committees, and enacted new provisions as herein set out. Formerly, such section derived from § 11-102 of the city's 1962 Code.

Sec. 7.5-67. Reserved.

Editor's note(s)—Ord. No. O-17-96, § 4, adopted Jan. 30, 1996, repealed § 7.5-67, which pertained to Rule 6: appointing of members to standing committees and derived from § 11-102 of the city's 1962 Code.

Sec. 7.5-68. Rule 7: Committee rules.

Each committee may formulate rules for its own operation consistent with city ordinance, the charter or general law of the city.

(Code 1962, § 11-102)

Sec. 7.5-69. Rule 8: Special committees.

The mayor shall from time to time appoint such special committees as within his discretion the circumstances require.

(Code 1962, § 11-102)

Sec. 7.5-70. Rule 9: Introduction of proposed ordinances and resolutions.

Any proposed ordinance or resolution may be introduced only by a member of council or the mayor. The department of law shall not receive or file any proposed ordinance or resolution or other matter on the council agenda unless requested by a member of council or the mayor (either directly or through those departments over which the mayor has control or supervision); provided, however, that proposed ordinances, resolutions or other matters originating by reason of the action of the ~~metropolitan~~ planning commission or matters which are otherwise required by law to be acted on by the council shall be placed on the council agenda without necessity of

a council sponsor. The agenda shall name the councilmember or other person sponsoring each item. The agenda shall also reflect the councilmanic district particularly affected by any proposed matter, if any.

(Code 1962, § 11-102)

Sec. 7.5-71. Rule 10: Appeals.

All matters filed with the department of law seeking to review the action of lower administrative boards or commissions or where council action is required to give effect to the action of lower administrative boards or commissions shall be placed on the agenda for the next succeeding council meeting except as otherwise provided by rule 11.

(Code 1962, § 11-102)

Sec. 7.5-72. Rule 11: Filing of proposed ordinances and resolutions.

All proposed ordinances and resolutions shall be maintained by the city recorder and/or the law department, with the original to be retained in the city recorder's office following adoption and following execution by the mayor. One (1) copy of all proposed ordinances and resolutions shall be retained by the department of law.

(Ord. No. O-17-96, § 5, 1-30-96)

Editor's note(s)—Ord. No. O-17-96, § 5, adopted Jan. 30, 1996, repealed § 7.5-72, which pertained to Rule 11: filing of proposed ordinances and resolutions, and enacted similar new provisions as herein set out. Formerly, such section derived from § 11-102 of the city's 1962 Code.

Sec. 7.5-73. Rule 12: Time of filing.

- (a) All bills and resolutions shall be placed on the agenda, not later than 12:00 noon, eight (8) days immediately preceding a regular meeting of the council, and not later than 4:30 p.m. of the third day, excluding Saturdays and Sundays, preceding the day of any other council meeting.
- (b) The council may not consider, except by unanimous consent of the membership present, any proposed ordinance, resolution or other matter not placed on the agenda in accordance with subsection (a) of this section.

(Code 1962, § 11-102; Ord. No. O-538-92, § 1, 12-22-92; Ord. No. O-17-96, § 6, 1-30-96)

Sec. 7.5-74. Rule 13: Agenda.

- (a) The agenda for each meeting shall be prepared by the department of law and delivered to each member not less than four (4) days before the meeting at which it will be considered. For regular meetings, the agenda is to be delivered no later than Thursday prior to such meeting.
- (b) In the event of a special meeting of council, the notice of the meeting shall contain the agenda for the meeting and shall specify the matters to be considered at the meeting and shall be delivered to each councilmember as soon as practical prior to the meeting and in accordance with applicable ordinance, the charter or general law.
- (c) This agenda shall show as to all planning or zoning matters listed thereon whether the action proposed is recommended or not recommended by the ~~metropolitan~~ planning commission or its staff.

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- (d) On all proposed ordinances or petitions for acceptance of roads or other improvements of the city, the agenda must show whether such roads or improvements are being constructed at public or private expense, and shall further show that the improvements are being built to standards approved by the city engineer.
 - (e) No matters concerning zoning, street closures or name changes, condemnation, traffic regulation or flow shall be placed on the agenda unless accompanied by a current map showing the area which is the subject of the proposed ordinance or resolution.
 - (f) No application for certificate of good moral character shall be placed on the agenda unless accompanied by an application showing information relative to the identity background and reason for the request by the applicant.
 - (g) The council, at its Thursday workshop preceding a regular council meeting, may, by majority vote, defer matters from the agenda or add matters to its agenda.

(Code 1962, § 11-102)

Sec. 7.5-75. Rule 14: Referral to committee or workshop.

- (a) Proposed ordinances or resolutions may be referred to the appropriate committee or a committee of the whole by the mayor or the council after the first reading.
- (b) The committee assignment shall be indicated on the council agenda. If a resolution has been referred to committee, no vote will be taken on any resolution until the committee has considered the resolution.
- (c) The committee to which a proposed ordinance or resolution is being referred shall make a report to the council at the next regular meeting after its referral unless an extension of time is granted by the mayor or council for good cause shown. The proposed ordinance or resolution may then be placed on the agenda by the mayor, or by majority vote of those members of the council present.
- (d) If a councilmember requests a matter to be deferred to a workshop, the councilmember must attend the workshop, and once the matter has been heard at workshop it shall be placed on the regular agenda regardless of whether the councilmember requesting the workshop was present at the workshop.

(Code 1962, § 11-102)

Sec. 7.5-76. Rule 15: Voting.

- (a) All council votes shall be taken by aye and nay.
- (b) Upon the consideration of any resolution or any proposed ordinances upon any reading, the chair shall call for roll call upon the request therefor by the members of the council.
- (c) Each member of the council present and voting shall have the right to have his or her vote recorded on any bill or resolution on any reading.
- (d) If a member abstains from voting on any matter, such action shall be considered a neutral vote and such abstention shall not be considered for any purpose other than the presence of a quorum.
- (e) At any council meeting at which a quorum is present, matters presented to council as part of the agenda shall be presumed to have been considered on their merit regardless of the vote of council and whether or not a minimum of five (5) votes were cast in favor of or against the motion or issue.

(Code 1962, § 11-102; Ord. No. O-17-96, § 7, 1-30-96; Ord. No. O-144-01, § 1, 5-1-01)

Sec. 7.5-77. Rule 16: Certification of funds.

The director of finance shall furnish a statement as to the availability of the funds in connection with any proposed ordinance or resolution involving appropriation of money.

(Code 1962, § 11-102)

Sec. 7.5-78. Reserved.

Editor's note(s)—Ord. No. O-17-96, § 8, adopted Jan. 30, 1996, repealed § 7.5-78, which pertained to Rule 17: payment of claims, and derived from § 11-102 of the city's 1962 Code.

Sec. 7.5-79. Rule 18: Order of debate.

- (a) Any proposed ordinance or resolution properly on the city council agenda may be considered and debated by the members of council, with or without a motion on the floor regarding such proposed ordinance or resolution. Upon consideration of any proposed ordinance or resolution of the council, the first person to be recognized by the mayor shall be one of its sponsors. The second shall be the chairman or one (1) spokesman of the same committee to which the matter has been referred, if any. A member shall speak no more than once on the same subject until all members have had the opportunity to speak on it, and for no more than five (5) minutes, except that one (1) sponsor of a proposed ordinance or resolution and one (1) spokesman of the committee to which the matter has been referred, if any, shall have the right to speak eight (8) minutes. This restriction may be waived by a majority vote of the members present. The mayor, his authorized representative or any director shall have the privilege of the floor for the purpose of discussing matters under consideration by the council.
- (b) Members of the public may address the council and the following procedure shall be observed:
 - (1) Persons wishing to speak shall register with the recorder or other person designated by council, giving their name, address, and the subject on which they wish to speak.
 - (2) Each person shall be permitted to speak for five (5) minutes and shall not have more than one (1) time to speak, except that the chair may allow two (2) minutes to the proponent for rebuttal.
 - (3) When a number of persons desire to speak to an issue, each side shall be limited to three (3) speakers and a maximum speaking time of fifteen (15) minutes. Persons desiring to speak may request the council to extend the time limit.
 - (4) Council may extend the number of speakers or the time allowed for speakers by a vote of majority of the council, or set a public hearing on the matter.
 - (5) All speakers and members of the audience and council shall remember that the meeting is a council meeting. All persons are to show proper respect to each other and shall maintain the proper decorum in the meeting at all times. Persons who fail to observe the rules as to proper decorum shall not be permitted to speak and may be removed from the meeting.
 - (6) When a public hearing has been once afforded to the proponents and opponents on an issue and there are persons desiring to speak on the subject, the mayor shall ask for the council to state its pleasure on further public debate.

(Code 1962, § 11-102)

Sec. 7.5-80. Rule 19: Travel expense.

All members of the council who travel on official city business at the city's expense shall, within fifteen (15) days thereafter, file with the recorder an itemized statement of the principal expenses incurred. No further expense advance or reimbursements will be made until full compliance with this rule has been effective.

(Code 1962, § 11-102)

Sec. 7.5-81. Rule 20: Amendment or repeal of standing rules.

No standing rules of order shall be amended or repealed except by affirmative vote of two-thirds of the members of the council. In consideration of any particular matter, any vote not requiring the approval of a greater majority may be suspended by two-thirds consent of the membership.

(Code 1962, § 11-102)

Sec. 7.5-82. Rule 21: Director of law to attend meetings.

The director of law or one of his assistants shall attend the regular or special meetings of council to advise on matters of law.

(Code 1962, § 11-102)

Sec. 7.5-83. Rule 22: Expenditure of council legislative funds.

The vice-mayor, or such other member of council as council at its discretion may designate, is hereby authorized to issue vouchers for expenditures out of council legislative funds. No funds of the legislative fund shall be disbursed without the approval of the vice-mayor or other such designated member of council. In the event of any disagreement or dispute regarding the propriety of any expenditure or the amount to be expended between the vice-mayor or other designated person and another member of council desiring disbursement of legislative funds, the vice-mayor or other designated person shall bring the matter before the entire council at its next regularly scheduled meeting for resolution by majority vote of the members of council.

(Code 1962, § 11-102)

Sec. 7.5-84. Rule 23: Broadcast media.

Council recognizes that the public's right to be aware of and to understand the operation of local government is enhanced through the broadcast of council's proceedings by the broadcast media and all members of the media shall be eligible to broadcast meetings of the council subject to the following conditions:

- (1) No exclusive authority to broadcast council proceedings shall be granted to any station.
- (2) If the entire meeting is to be broadcast, sufficient equipment shall be provided by the broadcasting station so as to ensure all council members being heard from their respective seats.
- (3) Neither personnel nor equipment shall interfere with the orderly procedure of the council meeting.

(Ord. No. O-17-96, § 9, 1-30-96)

Editor's note(s)—Ord. No. O-17-96, § 9, adopted Jan. 30, 1996, repealed § 7.5-84, which pertained to Rule 23: broadcast media and derived from § 11-102 of the city's 1962 Code, and enacted similar new provisions as herein set out.

Sec. 7.5-85. Rule 24: Procedure upon deferral.

All proposed ordinances before the council on first or second reading, except those affecting the zoning of a particular property and resolutions, shall automatically be removed by the department of law from the agenda for the succeeding council meetings after they have been twice deferred. Any member of the council who has sponsored the legislation may at any time inform the department of law to replace the proposed ordinance or resolution on the agenda for the next council meeting and, upon receipt of the request the department of law shall place it on the agenda for the next meeting. If the proposed ordinance or resolution is deferred for any reason after being so replaced on the council agenda at the next meeting, then the proposed ordinance or resolution shall be considered as withdrawn. In order to receive further consideration the proposed resolution or ordinance must be reintroduced. This does not apply to committee-requested deferrals. Notwithstanding the provisions of this rule and Robert's Rules of Order, Revised, to the contrary, council may defer any matter to a time certain, whether or not the deferral is to the next meeting of council or otherwise.

(Code 1962, § 11-102)

Sec. 7.5-86. Rule 25: Miscellaneous.

- (a) On all ordinances involving alley closures, there shall be included in the body of the ordinance the names of the parties requesting the alley closure, the same information to be placed on the council agenda.
- (b) There shall be included, as a part of each zoning ordinance prepared, the same information to be placed on the council agenda, the names of the parties requesting the zoning change, the name of each property owner whose property is included in the change, identified by map and parcel number as to each owner, and, further, the name of the optionee, if any.
- (c) Any matter may be reconsidered during the course of a meeting in accordance with the provisions of Robert's Rules of Order. However, no matter which has been acted upon by council as to its merits shall be reconsidered for one (1) year following that meeting, except by placement of the matter on the council agenda, in accordance with rule 12(a) or 12(b), by a councilmember on the prevailing side, and by consent of two-thirds of the membership of council to the reconsiderations.
- (d) The presiding officer of the council and the recorder may authenticate the passage of any ordinance or resolution by electronic signature, as authorized by T.C.A. § 47-10-118(a).
- (e) The law director, or the designee of the law director, may make or have made corrections of minor, non-substantive errors in ordinances, resolutions, related documents, or meeting minutes and shall provide such corrected ordinances, Resolutions, related documents, or meeting minutes to the recorder. Such errors may include, without limitation, misspellings, grammatical errors, numbering errors, cross-referencing errors or other inconsistencies where the intended meaning is clear from the plain text of the document. A correction to an ordinance, resolution, related document, or meeting minutes shall be accompanied by a note on or attached to the corrected ordinance, resolution, related document, or meeting minutes that explains who made the correction and why the correction was made. Ordinances, resolutions, related documents, or meeting minutes corrected pursuant to this section do not require re-approval or re-adoption by the council.

(Code 1962, § 11-102; Ord. No. O-17-96, § 10, 1-30-96; Ord. No. O-35-2017, § 1, 3-14-17; Ord. No. O-235-2017, § 1, 11-7-17)

Sec. 7.5-87. Rule 26: Filling vacancies.

- (a) Upon a vacancy in the membership of city council or the position of the special counsel and advisor to the council of the city, the city recorder and the vice mayor will prepare an accurate job description for the position to be filled, including, but not limited to, the length of time the position will be filled and any required eligibility criteria. The city recorder and the vice mayor will also determine if any background or other investigation of the applicants may be needed; the area of recruitment for potential applicants; how long the vacancy will be announced; and if the applicants must submit a letter of interest and/or résumé as part of the application process. Applications shall not be accepted after the announcement deadline, but incomplete applications may be amended.
- (b) Applicants must comply with all laws and ordinances in any way affecting employment in the positions for which they apply. The recorder's office may require the presentation of licenses or other evidence of qualification. Any false statement made with the intent to commit fraud, any fraudulent conduct, or any attempted deception by an applicant, or by others with their connivance, in any application, paper or document submitted to the recorder's office, or in any interview, shall bar such applicant from consideration by council.
- (c) After the announcement closes, the city recorder shall screen applicants for basic eligibility and create a list of applicants for council. Council may re-advertise and reopen the application period if fewer than three (3) applications are made for the vacancy.
- (d) Council shall set a time where applicants may be interviewed and answer questions from council. Council should only ask job-related questions sufficient to elicit information to determine the candidate's qualifications. Questions should be consistent when possible in interviewing candidates and that the same core questions should be asked of each applicant. Interview questions should be documented. At the discretion of council, all applicants may be offered the opportunity to briefly explain their interest in the vacancy.
- (e) On a date set by council (which may be the same date as interviews), the selection of the person to fill the vacancy will be voted upon in an open meeting. Voting shall be done by a roll call voice vote. The vice mayor will report the results of the vote. In the first round of voting, applicants not receiving at least one (1) vote shall be eliminated. In the second and subsequent rounds of voting, the applicant receiving the fewest number of votes shall be eliminated. In filling a vacancy in the membership of city council, voting shall continue until one (1) applicant receives the vote of six (6) members of the council. In filling a vacancy in the position of the special council and advisor to the council of the city, voting shall continue until one (1) applicant receives a majority of the votes from the members of council present. As soon as the applicant receives the number of votes necessary to fill the vacancy, the vice mayor shall declare that applicant selected.

(Ord. No. O-141-2012, § 1, 8-21-12; Ord. No. O-162-2016, § 1, 9-27-16)