2011-2015
RULES OF PROCEDURE OF THE COUNCIL OF
THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

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2011-2015 RULES OF PROCEDURE OF THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

1. Order of Business

The regular order of business shall be as follows:

1. Meeting called to order
2. Invocation
3. Roll Call
4. Approval of minutes of previous meetings
5. Communications from the Mayor
6. Reports of committees on matters other than reports on ordinances and resolutions
7. Elections and confirmations
8. Public Hearings
9. Consent Agenda resolutions
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11. Ordinances on first reading
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14 Memorializing resolutions not on Consent Agenda
15. Adjournment

2. President pro tem

A president pro tempore ("pro tem") of the Council shall be elected by the Council to serve in the absence of the Vice Mayor. Upon the resignation or death of the Vice Mayor, the pro tem shall serve as the Council's presiding officer in the place of the Vice Mayor until a Vice Mayor shall be elected and qualified. If the pro tem shall serve as the Council's presiding officer on account of the Vice Mayor's resignation or death, the Council shall elect a deputy pro tem to serve in the absence of the pro tem. Until a deputy pro tem is elected as described above while the pro tem is presiding in the absence of the Vice Mayor, the pro tem may, from the chair, designate any member of the Council to preside at a Council meeting. If neither the Vice Mayor, the pro tem, nor any deputy pro tem shall be present at the designated commencement time for a Council meeting, the Chair of the Planning, Zoning, and Historical Committee, or in his/her absence, the Chair of the Traffic and Parking Committee shall call the Council to order and immediately conduct an election, using the voting procedure provided in Rule 41, to elect a member to preside at that Council meeting until a more senior presiding officer shall appear. The terms of the pro tem and any deputy pro tem shall expire on August 31 of the year following their election, and the members serving in this capacity shall retain at all times their full right to vote.

3. Standing committees

The standing committees of the Metropolitan Council shall be as follows:

1. Budget and Finance
2. Charter Revision
3. Codes, Fair and Farmers Market
4. Convention, Tourism and Public Entertainment Facilities
5. Education
6. Federal Grants Review
7. Health, Hospitals and Social Services
8. Parks, Library and Recreation
9. Personnel-Public Information-Human Relations-Housing
10. Planning, Zoning, and Historical
11. Public Safety-Beer and Regulated Beverages
12. Public Works
13. Rules-Confirmations-Public Elections
14. Traffic and Parking
15. Transportation and Aviation

Effective September 1, 2012, the Traffic and Parking committee and the Transportation and Aviation Committee shall be combined to form the Traffic, Parking and Transportation committee. The chair of the Traffic and Parking committee elected by the Council in 2011 shall serve as the chair of the newly-formed Traffic, Parking and Transportation Committee until the expiration of his term. From and after September 1, 2013, the Council shall elect a chair of the Traffic, Parking and Transportation committee for a two year term who will also serve on the Traffic and Parking Commission pursuant to Section 11.901 of the Metropolitan Charter.

4. Committee terms, chairs and vice chairs

Except as otherwise provided in the Metropolitan Charter, all members of the standing committees of the Council and the chair of each shall be appointed by the Vice Mayor to serve until August 31 of the year following their appointment. The Chair of each committee shall appoint a member of the committee to serve as vice chair for the committee.

5. Executive committee

The executive committee of the Council shall consist of the Vice Mayor, the chair of all standing committees of the Council, and the president pro tem of the Council. Each member thereof shall be entitled to one vote regardless of the number of positions a Council member may hold. The executive committee shall meet at such time as called by either a majority of the executive committee or by the Vice Mayor. The Vice Mayor shall report back to the Council in a timely manner as to the action taken by the executive committee.

6. Special committees

The Vice Mayor, within his or her discretion, may from time to time appoint such special committees or expand the scope of an existing committee, as the circumstances require. The Council may also create and appoint special committees upon adoption of a resolution to that effect.

7. Committee meetings and rules

Each committee may formulate rules for its own operation. No committee may meet except at the time stated for its meeting and noticed to the members of the committee and the public.

8. Introduction of legislation

Any proposed ordinance or resolution may be introduced only by a Member or Members of the Metropolitan Council. The Metropolitan Clerk shall not accept a proposed ordinance or resolution for filing unless the original copy of the legislation has been signed by a Member of the Metropolitan Council, or a Member of the Metropolitan Council has submitted a physical or electronic written notice to the Metropolitan Council Office at least one hour prior to the filing deadline specified in Rule 11 to request that the particular proposed ordinance or resolution be filed with the Metropolitan Clerk using his or her digitized signature maintained by the Metropolitan Council Office for such purposes. A copy of the electronic written notice shall be filed with the Metropolitan Clerk along with the original copy of the legislation. "Electronic written notice" means an e-mail or other similar means that produces a record susceptible of retention under the record retention rules applicable to the Metropolitan Clerk. Such written notice shall be retained by the Metropolitan Clerk until the original of the legislation is signed by the Member of Council making the request. No action shall be taken by the Council on such resolution or ordinance unless and until at least one Member of Council has signed the original copy of the legislation as a sponsor.

Any resolution or proposed ordinance on first reading, the subject matter of which affects only one district, shall be deferred one meeting if the Council member from the district concerned with the subject matter of such legislation has not introduced or co-sponsored such legislation.

No resolution requesting information or action from a Metropolitan Government department, agency, board or commission shall be placed on the agenda unless the sponsoring Member of Council has first requested the information or action by letter at least thirty days prior to filing the resolution. A copy of the letter requesting the information or action must be attached to the resolution at the time it is filed.
Members of Council shall be limited to filing no more than one memorializing resolution, resolution requesting information, or similar resolution that is not binding legislation for each regular meeting of the Council.

9. Introduction of zoning legislation

With the exception of zoning text amendments, where any zoning measure is introduced by a Councilmember-at-Large, the Council member from the district concerned shall be notified by the Councilmember-at-large and afforded the opportunity to be its co-sponsor. This does not restrict the right of the Councilmember-at-Large to introduce such measure if the district Council member does not desire or refuses to be its co-sponsor.

10. General filing requirements

One original of all ordinances and resolutions shall be filed with the Metropolitan Clerk, said original to be retained in the office of the Metropolitan Clerk at all times subject only to withdrawal for signature by the Mayor.

11. Filing deadlines; emergency items

All ordinances and resolutions (except resolutions to amend the Capital Improvements Budget, as provided below) shall be filed in the Metropolitan Clerk's Office not later than 4:00 p.m. on Tuesday, immediately preceding a regular meeting of the Council and not later than 11:00 a.m. of the third day, excluding Saturdays and Sundays, preceding the day of any other Council meeting. No ordinance or resolution may be filed unless the originals have first been delivered to the Council Office not later than Noon on the second Friday preceding the regular meeting date or not later than Noon the fourth day, excluding Saturdays and Sundays, preceding the day of any other Council meeting.

All resolutions to amend the Capital Improvements Budget shall be filed in the Metropolitan Clerk's Office not later than 11:00 a.m. on the second Friday preceding the regular meeting of the Council and not later than 11:00 a.m. of the tenth day, excluding Saturdays and Sundays, preceding the day of any other Council meeting. Upon the filing of such resolution to amend the Capital Improvements Budget, the Metropolitan Clerk shall promptly provide copies of said resolution to each member of the Council. No resolution to amend the Capital Improvements Budget may be filed unless the originals have first been delivered to the Council Office not later than Noon the second day, excluding Saturdays and Sundays, preceding the day such resolution is to be filed with the Metropolitan Clerk's Office.

The Council may not consider, except by unanimous consent, any ordinance or resolution not filed in accordance with the two preceding paragraphs.

No late ordinance or resolution will be considered by the Council except on an emergency basis. Any sponsor of a late ordinance or resolution must inform the Vice Mayor as to the nature of the emergency prior to the meeting at which the legislation is to be offered, must state on the introduction thereof that an emergency exists, and must further submit in writing the nature of the emergency.

12. Zoning public hearings

From and after the first meeting in June 2012, public hearings on zoning bills shall be held on the first meeting of each month. Prior to the first meeting in June 2012, public hearings on zoning bills shall be held the first meeting of each odd month. The Clerk shall exclude ordinances on public hearing from any other Council meeting, except when required by law to be earlier held. This rule shall not preclude any other matters from being considered on the first meeting of each month other than honorary resolutions as provided in Rule 25.

13. Agenda preparation and mailing

The agenda for each meeting shall be prepared by the Metropolitan Clerk and sent to each member not less than two days, excluding Saturdays and Sundays, before the meeting at which it will be considered. For regular meetings, the agenda is to be sent not later than Friday prior to such meetings.

This agenda shall show on all planning and zoning and mandatory referral matters listed thereon the vote of the Planning Commission on its action on such matter and shall similarly indicate the vote of all other boards and commissions of their recommendations of such matters which were referred to such boards and commissions.

Members of Council desiring to receive all agendas by U.S. mail shall make their request known to the Metropolitan Clerk in writing.

14. Consent Agenda Resolutions

All resolutions receiving a unanimous recommendation of approval from all of the committees to which the resolution was referred shall be considered by the Council in one vote as part of a consent agenda. The Vice Mayor shall call on each committee chair or his/her designee to give a committee report for all such resolutions receiving a unanimous recommendation of approval prior to taking action on the consent agenda. Any Member of Council desiring to take a separate vote on a resolution proposed for inclusion on the consent agenda shall notify the Vice Mayor prior to taking a vote in the consent agenda items. Following the committee reports, the Vice Mayor shall read all of the captions for the resolutions on the consent agenda at one time and one vote shall be taken for approval of the consent agenda resolutions.

15. Committee referrals; amendments to legislation

All ordinances must be referred to the appropriate committee by the Vice Mayor of the Council after first reading, and except for zoning matters, budget, revenue service charges or tax measures, no ordinance may be amended after second reading. No motion to amend the Capital Improvements Budget for the ensuing fiscal year shall be entertained by the Council unless such amendment has been submitted to the Budget and Finance Committee for a recommendation.

All resolutions shall be referred to the appropriate committee or committees of the Council by the Vice Mayor. The committee assignment shall be indicated on the Council agenda. No vote will be taken on any resolution or on any ordinance on third and final reading until a committee has made a recommendation regarding the legislation.

The committee to which an ordinance or resolution has been referred shall make a report to the Council at the next regular meeting after its referral.

16. Certification by Director of Finance on funds availability requirement

No resolution or ordinance involving or requiring the appropriation or expenditure of money, upon being filed, shall be placed upon the agenda by the Metropolitan Clerk until the Director of Finance

has furnished a statement as to the availability of funds, provided that such resolution or ordinance may be placed upon the agenda if the Director of Finance fails to submit such statement as to availability of funds within thirty (30) days after the legislation is delivered to the Director of Finance.

17. Capital project resolution requirements

No resolution or ordinance proposing to expend or appropriate funds or to authorize the borrowing of funds for capital improvement projects (including the issuance of bonds or notes), upon being filed, shall be placed upon the agenda by the Metropolitan Clerk unless and until said legislation shall list the projects to be funded and the estimated cost of each project.

18. Settlement of claims

No resolution or ordinance seeking the payment of a claim against the Metropolitan Government, upon being filed, shall be placed upon the agenda by the Metropolitan Clerk until the Director of Law shall have filed with the Metropolitan Clerk a statement recommending the payment of the claim; provided, however, in the event such statement is not filed within 30 days of the filing of such resolution or ordinance, the Director of Law shall be deemed to have recommended payment and such legislation shall be placed upon the agenda.

19. Contractual agreements requirements; street and alley closure requirements

No resolution or ordinance approving or authorizing the execution of any contract, lease, agreement or other instrument, or authorizing the closure and/or abandonment of any street, alley, or other public right-of-way, upon being filed, shall be placed upon the agenda by the Metropolitan Clerk unless said documents shall have been executed by all necessary parties including affected property owners for legislation closing and/or abandoning streets or alleys, excepting the signature of the Metropolitan Mayor and the Metropolitan Clerk. Further, said documents need not be executed by state, federal and railroad officials to be placed upon the agenda. For purposes of this rule, "affected property owner" includes (1) the owner(s) of property abutting the section of the street or alley to be abandoned; and/or (2) the owner(s) of property having a right to use the street or alley for purposes of ingress and egress to and from the owner's property, regardless of whether the street or alley has been built out.

20. MPC recommendations on zoning bills requirements

No resolution or ordinance required to be referred to the Metropolitan Planning Commission for a recommendation shall be filed with the Metropolitan Clerk unless evidence of submission to the Metropolitan Planning Commission is filed together with the legislation or the legislation has noted upon it the recommendation of the Metropolitan Planning Commission. No zoning ordinance shall be filed with the Metropolitan Clerk unless such proposed legislation is accompanied with evidence that all fees required pursuant to the Metropolitan Code have been paid.

21. Public hearings for zoning bills; delinquent taxes

Upon introduction of any zoning ordinance not accompanied by a recommendation of the Metropolitan Planning Commission, such ordinance shall be referred to the Planning Commission. The Metropolitan Clerk shall advertise such ordinance for public hearing and second reading; however, no action shall be taken by the Council on second reading and no public hearing shall be held by the Council until the

recommendation of the Planning Commission has been submitted to the Metropolitan Clerk or at least thirty (30) days has elapsed from the date of referral to the Planning Commission without a recommendation. Any property proposed to be rezoned shall be current in the payment of property taxes before the zone change can be passed by the Metropolitan Council on second reading. Any ordinance applying a Residential, Commercial, or Industrial Planned Unit Development District or a Specific Plan (SP) District must have a recommendation from the Metropolitan Planning Commission before its introduction.

22. Withdrawals of legislation; informational disclosures on private applicants

On any legislation pending before the Council for which a deferral or withdrawal is requested by the sponsor, the sponsor at the time of the request for such deferral or withdrawal will state to the Council the reason for such request on all ordinances involving street or alley closures, there shall be included in the body
of the ordinance the name or names of the parties requesting the street or alley closure, the same information to be placed on the Metropolitan Council agenda.

There shall be included as a part of each zoning ordinance prepared the same information to be placed on the Metropolitan Council agenda, the name or names of the parties requesting the zone change, the name of each property owner whose property is included in the change identified by Map and Parcel Number as to owner, and the name of the optionee, if any. To the extent that any party is disclosed as a trustee or other fiduciary, including agents, all beneficiaries and principals must also be fully disclosed. Any party which is a business entity shall also disclose the name of the general partners, managing partners, or the chief executive officer.

23. Deferrals; excessive deferrals; indefinite deferrals

All ordinances before the Council on second and third reading, except those affecting the zoning of a particular property or properties, and resolutions shall automatically be deferred indefinitely after they have been deferred two times. Any member of the Council who has sponsored said legislation may at any time inform the Clerk to replace the ordinance or resolution on the agenda for the next Council meeting and upon receipt of said request the Clerk shall place it on the agenda for the next meeting. If the ordinance or resolution is deferred for any reason after being so replaced on the Council agenda at the next meeting, then the ordinance or resolution shall be considered as withdrawn and the Clerk will permanently remove it from the Council agenda. In order to receive further consideration, the ordinance or resolution must be re-introduced. For the purposes of this rule, a committee-requested deferral under Rule 23 shall not be counted as a deferral.

Any ordinance or resolution which has been removed from the agenda, either pursuant to this rule or because the sponsor has requested indefinite deferral, shall be placed on the agenda only at the written or oral request of the sponsor which shall be made to the Metropolitan Clerk by the Tuesday preceding the Council meeting at which time the matter can be considered.

Any ordinance or resolution which has been deferred indefinitely for a period of more than ninety (90) days shall automatically be deferred for one meeting upon being placed back upon the agenda at the request of the sponsor pursuant to this rule.

24. Automatic deferral by committee action

Any ordinance or resolution which receives a recommendation of deferral from any committee to which it is referred shall be deferred for one Council meeting; provided, however, that no ordinance or resolution shall be deferred more than one time or more than one meeting pursuant to this rule.

25. Honorariums; consent agenda

All memorializing resolutions honoring individuals, groups or organizations upon being filed with the Clerk shall be heard by the Council on an honorarium docket on the first meeting of each odd month and referred to the Rules-Confirmations-Public Elections Committee for review and recommendation. All such honoring resolutions which are approved by a unanimous vote of such committee (by the members present at such meeting when a vote is taken), except for resolutions calling for a hand-lettered scroll, shall be heard by the Council as a consent matter and shall be voted upon by the Council together on one vote. Those resolutions calling for a hand-lettered scroll and honoring resolutions failing to receive a unanimous recommendation of the committee shall be acted upon individually by the Council.

26. Honorarium resolution requirements and presentations; announcements and extraordinary matters

Memorializing and congratulatory resolutions in typewritten form, with copies to be certified and sent to the appropriate party or parties, are proper resolutions to be considered and acted upon by the Metropolitan Clerk. However, resolutions of such types calling for a hand-lettered scroll shall be considered by the Council only if such resolution deals with the death, retirement or outstanding accomplishment of an elected Metropolitan Government officeholder or an employee of said government for outstanding public service and is recommended unanimously by the Rules-Confirmations-Public Elections Committee. In the event the Metropolitan Council desires to honor any citizen for outstanding service or accomplishment through the adoption and issuance of a printed scroll, then such resolution may be considered and adopted provided such resolution has the unanimous approval of the members of the Rules Committee and is then adopted by the unanimous vote of the Metropolitan Council. Any such resolution failing to gain the unanimous vote of the Rules Committee and/or the Council shall not be considered again within a period of one year.

Memorializing and congratulatory resolutions shall not be presented on the first meeting of each odd month at which a public hearing is to be held regarding zoning bills. All presentations of memorializing and congratulatory resolutions shall be limited to five (5) minutes each, and no more than two (2) such presentations shall be allowed at any meeting of the Council. Further, Members of Council shall be limited to presenting two memorializing or congratulatory resolutions per year as a primary sponsor. For purposes of this Rule, one year shall be from September 1 to August 31 of the following calendar year. Members of Council wishing to make presentations of memorializing and congratulatory resolutions shall schedule the presentations with the Council Office. The Council Office shall schedule the presentations for each meeting on a first come, first served basis. The word “presenting” as used in this Rule means to formally read or paraphrase the memorializing/congratulatory resolution and to present the honoree(s) with an official copy of the resolution.

Announcements and extraordinary matters shall be held thirty (30) minutes prior to all regularly scheduled Council meetings. The president pro tem of the Council or his/her designee shall preside over such matters.

27. Notaries public

The election of certain notaries public by the Metropolitan Council shall be accomplished by the introduction and passage of a resolution including the names of those persons to be elected as notaries public. The resolution shall include the person's name, address and length of term for which he or she is to serve as a notary public. The resolution shall also contain a letter from the County Clerk certifying that each person to be elected meets all of the qualifications of the office of notary public. It shall not be required that the person or persons being elected appear before the Council or any committee thereof.

28. Appropriation of funds

No resolution or ordinance involving the appropriation or expenditure of funds may be considered by the Metropolitan Council if the department, agency or office benefiting from the appropriation or expenditure has failed for thirty or more days to respond to information requested by the Metropolitan Council or any committee of the Metropolitan Council.

29. Order of debate; sponsor's presence required

Upon the consideration of any ordinance or resolution by the Council, the first person to be recognized by the Vice Mayor shall be one of its sponsors. The second shall be the chair or one spokesman of the committee to which the matter has been referred. No action may be taken on any ordinance or resolution (except ordinances on introduction and first reading) at any meeting of the Council or at any meeting of a committee of the Council to which such ordinance or resolution has been referred unless a sponsor is present or a sponsor has informed the Vice Mayor or chair of the committee, in writing, of the action that should be taken and of the member of Council designated to handle the matter in the sponsor's absence.

30. Limitation of time on speakers

A member shall speak no more than once on the same subject until all members have had an opportunity to speak on it, and for no more than four minutes, except that one sponsor of an ordinance or resolution and one spokesman of the committee to which the matter has been referred shall each have the right to speak five minutes. The Metropolitan Clerk shall keep time in accordance with this Rule. A member of Council shall be entitled to yield his/her time to another member once. These restrictions may be waived by the Vice Mayor or by a majority of the members present.

During the course of any meeting, if a member of Council is referred to by name by any speaker and such member's character or integrity is called into question, then such member, upon request, shall be recognized by the Chair immediately following the conclusion of the previous speaker for the sole purpose of raising a question of personal privilege to respond.

31. Mayor's privilege of the floor

The Mayor or an authorized representative shall have the privilege of the floor for the purpose of discussing matters under consideration by the Council.

32. Public addressing council

Members of the public may address the Council if either of the following conditions is satisfied: (1) the Council adopts a motion by a two-thirds vote of the Council members present to allow the public to address the Council regarding a specific ordinance or resolution at the meeting where such motion is considered; or (2) the Council adopted a motion at the previous Council meeting by a two-thirds vote of the Council members present at such meeting to allow members of the public to address the Council at the next regular Council meeting regarding a specific ordinance or resolution.

This restriction does not apply to zoning matters where all parties concerned shall be allowed to speak for three minutes each. The Metropolitan Clerk shall keep time in accordance with this Rule.

33. Motion to table; motion for previous question

Neither a motion to table nor motion for the previous question may be made by the last member to speak on a measure, but such motion may be made only by a member who has obtained the floor for that sole purpose.

A motion to table may be debated only by the maker of the motion and by one proponent of the ordinance or resolution involved.

Provided, at any meeting wherein the operating budget for the ensuing fiscal year is being debated on third reading, a motion to table or the motion for the previous question cannot be made until the proponents and opponents have been allocated at least fifteen minutes each of debate.

34. Special rules on consideration of operating budget ordinance

At any meeting wherein the operating budget for the ensuing fiscal year is being debated on third reading, the following provisions shall apply, any rule contained in these rules to the contrary notwithstanding:

No motion to amend the operating budget or a substitute operating budget ordinance may be entertained by the Council, unless such amendment or substitute budget has been submitted to the Budget and Finance Committee for a recommendation.

A second substitute budget ordinance may not be amended but must be acted upon as filed and presented.

A motion to table the budget ordinance or a substitute budget ordinance cannot be made until the proponents or opponents have been allowed at least fifteen minutes of debate. Provided however, when a motion is made to table any amendment proposed to the budget ordinance or substitute budget

ordinance, the spokesperson for such amendment may divide a total of twelve minutes among other members speaking in support of the motion.

35. Motion to reconsider

A motion to reconsider a vote of the Council on any ordinance or resolution can be entertained only on a final reading and an affirmative vote and then only when the following have been complied with:

(a) The maker of the motion to reconsider must have voted with the prevailing side.

(b) The motion to reconsider must be made before the next order of business.

(c) Not less than four (4) members of the Council must second the motion, and these four members need not have voted with the prevailing side.

Such motion, properly made and seconded, must be considered and finally acted on at the next regular meeting of the Council or at a special meeting called for that purpose. Such motion shall not be debatable prior to its consideration and final action

No statement that a member is proposing to offer a motion to reconsider at a later meeting is to be entertained by the Council.

36. Motion to rescind action

Any affirmative action of the Council may be rescinded by two-thirds (2/3) vote of the full membership of the Council (27 votes).

37. Actuarial study required on pension legislation

All legislation which directly or indirectly affects any Metropolitan Government Pension Plan shall be referred to the Metropolitan Employee Benefit Board for an actuarial study before the matter can be considered by the Metropolitan Council. The Metropolitan Employee Benefit Board shall have ninety (90) days from the date the legislation is referred to said Board to report to the Metropolitan Council. If no such report is received, the Council shall be entitled to consider the legislation.

38. Roll call votes

The Chair shall call for a roll call vote when:

1. The Chair is unable to determine the outcome of a voice vote on an ordinance upon any reading.

2. There is any abstention or negative vote on a resolution or on an ordinance on third reading.

3. Five (5) members of Council request a roll call vote prior to a vote or immediately following a voice vote before the next order of business.

A roll call vote is required on third reading for all zoning matters disapproved by the Planning Commission, on all matters affecting traffic control or use of streets disapproved by the Traffic and Parking Commission, on all budget ordinances, on all ordinances establishing the tax levy in the General Services District for a fiscal year and declaring the amount required for the annual operating budget of the Urban Services District, and on all legislation vetoed by the Mayor.

39. Voting machine use

The roll call vote shall be by voting machine, if possible.

40. Attendance of Director of Law

The Director of Law or the Director of the Council Office (or their designee) shall attend the meetings of the Council to advise on matters of law.

41. Confirmations; questionnaires; Charter amendments

All appointees to be confirmed by the Council shall be required to complete a questionnaire adopted by the Rules Committee. Each completed questionnaire shall be filed with the Clerk and a copy shall be sent by the Clerk to all members of Council. No action may be taken upon such appointee until and unless such completed questionnaires have been sent to members of Council at least five days preceding any vote for confirmation.

The Mayor may withdraw for consideration any appointee submitted to the Council for confirmation and such withdrawal shall relate back to the original date of appointment the same as if such person had not been appointed; however, such withdrawal shall not act to enlarge upon the time permitted by the Mayor, under the relevant provisions of the Charter, to submit an appointee for confirmation. All appointments subject to election or confirmation by the Council shall be elected or confirmed by a majority of the entire membership of the Council (21 votes), except where other requirements are established by the Charter. Any appointee failing to receive the required vote of the Council shall be deemed to have been rejected.

A resolution proposing amendment or amendments to the Metropolitan Charter must receive an affirmative vote for adoption of not less than 2/3 of the membership to which the Council is entitled (27 votes), and further, any amendment to any such resolution, including individual Charter amendments, must also each receive an affirmative vote of not less than 2/3 of the membership to which the Council is entitled (27 votes).

42. Election of members of council to commissions; conduct of all elections

All elections conducted by the Council to elect members to the Metropolitan Planning Commission and the Traffic and Parking Commission or any other position to which a member of the Council must be elected shall be conducted as follows:

1. At the next regular meeting of the Council following a vacancy, the Vice Mayor shall call for nominations to fill said positions from the membership of the Council. No second shall be required to place the same in nomination. Any vacancy that is the result of a new term, including that of the president pro tem, shall be announced by

the Vice Mayor at the first regularly scheduled Council meeting of the term. Nominations shall be taken and the vote(s) shall be held at the next regularly scheduled Council meeting.

2. Upon the close of nominations voting shall begin. Voting shall be by machine vote or by open ballot and may be cast only for a person who has been properly nominated. Each vacant position to be filled by an election shall be voted upon separately. The person receiving the largest number of votes shall be elected provided a majority of the votes cast is received. If there are more than two candidates and no candidate receives a majority of the votes cast, the two candidates receiving the largest number of votes shall proceed to a runoff election. The Vice Mayor shall vote only in the case of a tie when there are two candidates.

3. If written ballots are to be used, the ballots shall be distributed to each member of Council who shall thereupon write or print their name, district, number or at-large notation and shall vote for the nominee of their choice who has been properly nominated. The ballots shall be collected by a teller designated by the Vice Mayor who shall thereupon deliver the ballots to the Clerk who shall read each Council member's name and the candidate for which the member of Council voted into the record, which vote must be confirmed by the member of the Council. The final vote shall be tabulated and spread upon the minutes of the Metropolitan Council. Any ballot of a member of Council which does not comply with the provisions of this Rule 41 shall be void and not considered as a vote cast under the Rule.

43. Election of directors to Industrial Development Board and Health and Educational Facilities Board

Upon the expiration of the term of a member of the Industrial Development Board created pursuant to Tennessee Code Annotated 7-53-301, et seq., and of the Health and Educational Facilities Board created pursuant to Tennessee Code Annotated 48-1907, et seq., the following procedure shall be established for the selection of a successor:

1. The Vice Mayor shall by letter notify each member of the Council of the existence of a vacancy on said boards. At the next regularly scheduled Council meeting of the existence following a notification by the Vice Mayor, the Vice Mayor shall call for nominations from the membership of the Council to fill the vacancy on said board.

2. Those persons nominated shall be referred to the Rules-Confirmations Public Elections Committee of the Council for recommendation. The Committee shall meet and determine the relative qualifications of the various candidates and report to the Council its recommendation at the next regularly-scheduled Council meeting following the meeting wherein the candidates were nominated.

3. Upon receiving the recommendation of the Rules-Confirmations-Public Elections Committee, the Metropolitan Council shall conduct an election to elect a person to the Industrial Development Board or to the Health and Educational Facilities Board. Any person nominated who fails to appear before the Rules Committee shall be deemed to have withdrawn their name for nomination. In the event of multiple vacancies, each

person nominated and not elected on the election for the first vacant position shall be deemed nominated for such succeeding election for a vacant position being voted upon at such meeting. The election shall be conducted in the same manner as provided in Rule 41.

44. Election of public officials

Procedure for selecting a successor to fill a vacancy in any office which by law is to be filled by the Metropolitan Council.

1. Upon the vacancy in the office of any elected official which may lawfully be filled by the Metropolitan Council, each member of the Council shall be notified of said vacancy by an announcement by the Vice Mayor at the next meeting of the Council. Such announcement shall be at least four weeks preceding the meeting at which a successor is to be elected. Upon the announcement of a judicial or court clerk vacancy, the Metropolitan Clerk shall immediately notify the Nashville Bar Association and Napier-Looby Bar Association of such vacancy, which notification may be by facsimile transmission.

2. The Council may select a successor at any special called meeting of the Council, provided the notice under paragraph 1 is satisfied.

3. Nominations. All members of the Metropolitan Council as well as members of the general public, including candidates themselves, may nominate a person to fill the vacancy in office. No second shall be required to place the name in nomination. All nominations shall be in writing, signed by the person making the nomination and filed with the Metropolitan Clerk not later than 4:00 p.m. on the day which is one week following the date of the notice of the vacancy, at which time nominations will be closed. Within three business days following the filing of the written nomination, the person so nominated shall file with the Metropolitan Clerk a copy of their resume and a written questionnaire approved by the Rules-Confirmations-Public Elections Committee that shall include, but not be limited to:
    a. A statement setting forth their willingness to serve if elected;
    b. Their complete name;
    c. Place of residence;
    d. The length of time the person has lived in Davidson County;
    e. Professional or occupational experience;
    f. Educational background;
    g. Experience in public service;
    h. Professional and personal conduct;
    i. Physical and mental ability to perform the essential duties of the position with or without reasonable accommodation;
    j. If the candidate is an attorney, a waiver of confidentiality as to disciplinary matters under the Tennessee Supreme Court Rule 9, Section 25.

k. All other information which may be required by law to ensure their eligibility to serve.

Failure of a candidate to return a completed questionnaire to the Metropolitan Clerk within three (3) business days after the candidate's nomination is received by the Metropolitan Clerk's office shall result in the candidate's nomination being automatically withdrawn.

The Metropolitan Clerk shall forward copies of the nomination documents and responses to the questionnaire to each member of Council.

4. All candidates for a position shall personally appear before the Rules-Confirmations-Public Elections Committee to be interviewed to ensure the candidate meets the required qualifications. The Metropolitan Clerk's Office will notify each candidate by electronic mail and certified mail regarding the date, time, and place of the Rules-Confirmations-Public Elections Committee meeting. Failure to appear before the Rules Committee shall result in a candidate's nomination being automatically withdrawn.

5. Judicial or Court Clerk Candidates. The Metropolitan Clerk shall forward the names of all persons nominated to fill a judicial or court clerk vacancy to the Nashville Bar Association and Napier-Looby Bar Association and request that a Candidate Evaluation Poll be taken from its membership. The results of the poll, including the total number of members and the members responding, shall be filed with the Metropolitan Clerk, who shall forward such results to the members of the Council. All candidates for a judicial or court clerk position shall personally appear before the Rules-Confirmations-Public Elections Committee, at its meeting at least two weeks prior to the Council meeting at which time the election will be held to fill the vacancy, to be interviewed to ensure the candidate meets the required qualifications.

6. Petitions from voters residing in the county may be presented to the Metropolitan Council by filing them with the Metropolitan Clerk in support of any candidate.

7. At the meeting for the Council when the selection is to be conducted, the Council member or other person having nominated a candidate may speak for no more than five minutes and may yield the floor to the candidate or other persons who wish to speak in support of the nomination. No more than five minutes total shall be given any one candidate for their presentation and the persons speaking in support of the candidate.

8. The election shall be conducted in the same manner as provided in Rule 41.

45. Recall procedures for members of boards and commissions

The following procedure shall be followed by the Metropolitan Council in order to recall or remove a member of a board or Commission of the Metropolitan Government as provided by the Charter:

1. A resolution shall be filed with the Clerk providing for the removal of a member of a board or commission, which resolution shall state the reasons or grounds for such removal. A copy of said resolution shall be forwarded by the Clerk to the member sought to be removed and such resolution shall be placed upon the regular agenda of the Council.

2. Such resolution shall be deferred for one meeting and referred to the Rules-Confirmations-Public Elections Committee. The person sought to be removed may appear at such committee meeting, but shall not be compelled to appear before the committee. The committee shall make a recommendation to the Council but may not recommend a deferral of action on said resolution.

3. Any person sought to be removed from a board or commission, or their designated representative, may address the Council prior to a vote on the resolution removing them from the position. In the event a person sought to be removed resigns from such position, by submitting a written resignation to the Clerk prior to a vote on the resolution, no vote shall be taken on the resolution.

4. All votes on resolutions removing any person from a board or commission of the Metropolitan Government shall be by voting machine.

46. Council travel expense reimbursement

All members of the Metropolitan Council who travel on Metropolitan Government business at its expense shall within 15 business days thereafter file with the Metropolitan Council Staff Office 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 effected.

47. Use of Council Chamber; distribution of written materials

The use of the David Scobey Council Chamber is left to the discretion of the Vice Mayor regarding the following matters:

1. Meetings held inside the legislative area using the Council members' desks.

2. When to allow the speaker system to be used by groups other than the Council.

3. When groups other than Council committees use the committee rooms and make rearrangements of the furniture, the Vice Mayor shall designate who is responsible for placing the room back in proper order.

Except as otherwise provided, no written materials, documents or other items may be distributed and/or placed upon Council members' desks. Written materials, documents or other items may be distributed and/or placed upon Council members' desks if:

1. They are signed by the individual requesting distribution and clearly show said individual's name, address, and telephone number; and

2. They have been delivered first to the Vice Mayor, Metro Clerk or Council Staff with a request for distribution; or

3. They bear the signature of the Member of Council requesting distribution.

Additionally, Council Staff may place upon members' desks such mail as may be received that is addressed to such members.

Written copies of all amendments or substitutes to resolutions and ordinances, other than substitute resolutions awarding the sale of Metropolitan Government debt by public bid, must be distributed to all members not later than 1:00 p.m. on the Monday preceding a Tuesday regular meeting of the Council prior to any action being taken upon such matters by the Council or by any committee to which the matter has been referred. The only other materials that may be placed upon members' desks during a meeting are materials relating to zoning legislation before the Council at that meeting.

Further, the distribution of all such materials shall be under the direction of the Metropolitan Clerk.

48. Restrictions on access to the David Scobey Council Chamber & committee rooms; cell phone use during sessions

No person except those persons who are permitted in the David Scobey Council Chamber during a meeting of the Metropolitan Council under these rules may be in the Council Chamber at any time one hour prior to any meeting of the Metropolitan Council until the conclusion of that meeting. While the Metropolitan Council is in session, no person, except those persons who are permitted in the legislative area of the Council Chamber during a meeting as provided in these rules, may be present in the committee rooms, the restrooms or hallway between the committee rooms and the legislative area of the Council Chamber.

No person, including the Vice Mayor or members of Council, shall talk on mobile telephones or similar communicative devices in the Council Chamber or in committee rooms during a session in those areas.

No persons except Members of Council, employees of the Council Office, employees of the Mayor's Office, the Director of Finance, Metropolitan Attorneys, and employees of the Planning Department may be present on the floor of the legislative area during any meeting of the Council . Members of the press shall be permitted to sit at the front of the Council Chamber on either side of the dais.

49. Broadcast of meetings

Rules for televising and radio broadcasting of meetings of the Metropolitan Council: All licensed commercial television and radio stations in The Metropolitan Government of Nashville and Davidson County shall be eligible to broadcast meetings of the Metropolitan Council subject to compliance with the following rules:

(a) Authority to broadcast or televise shall be obtained by applying in writing to the Rules-Confirmations-Public Elections Committee of the Metropolitan Council. No exclusive authority to broadcast shall be granted to any station or stations.

(b) Sufficient equipment shall be provided by the radio stations so as to ensure all Council members being heard from their respective seats. Neither personnel nor equipment shall interfere with the orderly procedure of the Council meetings.

(c) The nature of all commercial sponsorship shall be in keeping with a high degree of dignity of the Council. All sponsors shall be approved by the Rules-Confirmations-Public Elections Committee in advance of broadcasting.

(d) Each broadcast shall be of the complete proceedings.

50. Tobacco use in chamber prohibited

Smoking and all other uses of tobacco shall be prohibited in the David Scobey Council Chamber at all times.

51. Adoption of Rules of Procedure and Amendments

The Council shall adopt permanent Rules of Procedure within the first two months of a new Council term. The permanent Rules of Procedure shall be adopted with twenty-one (21) affirmative votes of the Council. None of the standing Rules of Procedure shall be amended or repealed except by twenty-seven (27) affirmative votes. No change in the permanent Rules of Procedure shall become effective until thirty (30) days after its passage. Before a proposed amendment to these rules may be considered by the Council, the Rules-Confirmations-Public Elections Committee shall have considered the proposed amendment and a written copy of the proposed amendment shall be distributed to all members of Council.

52. Suspension of rules

In the consideration of any particular matter, any or all of these rules may be suspended by the Council unless two (2) members object to the suspension of the rules.

53. Applicability of Robert's Revised Rules of Order

In the absence of the rule upon any subject not specifically provided for in these rules, the Metropolitan Council will be governed by Robert’s Revised Rules of Order.

Adopted: November 1, 2011
Amended: February 7, 2012