

**2019-2023**  
**RULES OF PROCEDURE OF THE COUNCIL OF**  
**THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

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## **PERSONNEL AND COMMITTEES**

### **1. President pro tempore**

A president pro tempore (“pro tem”) of the Council shall be a Council member elected by the Council to serve in the absence of the Vice Mayor. Upon the resignation, death, or ascension 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 and shall have all the rights and responsibilities of the Vice Mayor described in the Rules of Procedure. If the pro tem shall serve as the Council's presiding officer on account of the Vice Mayor's resignation, death, or ascension, 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 Council member 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 their absence, the chair of the Traffic, Parking, and Transportation Committee, shall call the Council to order and immediately conduct an election using the voting procedure provided in Rule 48 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 the next August 31 following their election to the aforementioned positions or until a successor has been elected no later than October 20., Members serving in this capacity shall retain at all times their full right to vote.

### **2. Standing committees**

The standing committees of the Council shall be as follows:

1. Affordable Housing
2. Budget and Finance
3. Charter Revision
4. Codes, Fair, and Farmers Market
5. Convention, Tourism, and Public Entertainment Facilities
6. Education
7. Health, Hospitals, and Social Services
8. Parks, Library, and Arts
9. Personnel, Public Information, Human Relations, and Veterans
10. Planning, Zoning, and Historical
11. Public Safety, Beer, and Regulated Beverages
12. Public Works
13. Rules, Confirmations, and Public Elections (“Rules Committee”)
14. Traffic, Parking, and Transportation

### **3. Standing 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. Committee members and chairs shall serve until the next August 31 following their appointment or until a successor is appointed. The chair of each committee shall appoint a member of the committee to serve as vice chair for the committee. No Council member shall simultaneously serve as the chair or vice chair of more than one (1) committee, and no Council member who serves as a chair shall simultaneously serve as a vice chair.

### **4. Executive committee**

The executive committee of the Council shall consist of the Vice Mayor, the chair of each standing committee of the Council, and the 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.

### **5. Special committees**

The Vice Mayor, within their 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.

### **6. 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.

In order for action to be taken by a committee, a quorum shall be required consisting of at least half of the appointed committee members.

At the discretion of the committee chair, each committee may request reports from appropriate departments, boards or commissions in relation to the committee's work or oversight. For legislation involving or requiring appropriation or expenditure of money, committee members may submit, through the committee chair, relevant written questions to the appropriate department, board or commission by close of business on the Thursday prior to the regular Council meeting.

The committee may defer the legislation if the response submitted is insufficient, non-responsive, or untimely. The number of such deferrals shall not be subject to the limitations of Rule 8.

### **7. Committee referrals**

All resolutions, and all ordinances upon their first reading, must be referred to the appropriate committee(s) of the Council by the Vice Mayor. The Vice Mayor may delegate this responsibility to the Clerk.

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.

### **8. Automatic deferral by committee action**

Any ordinance or resolution that receives a committee recommendation of deferral from any committee to which it is referred shall be automatically 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 paragraph.

Any ordinance or resolution that receives a recommendation of indefinite deferral from two-thirds (2/3) of the members present and voting of any committee to which it is referred, over the objection of the sponsor, shall be indefinitely deferred at the regular Council meeting following the report of the assigned committee(s). Thereafter, the sponsor may submit a written request to the Clerk that the matter be reinstated onto the agenda for the next regular meeting for purposes of requesting override of the indefinite deferral. The matter shall appear on the agenda as the last item prior to adjournment. Debate of the requested override shall be limited to (a) the sponsor of the deferred legislation and (b) the chair(s) of the committee(s) requesting indefinite deferral, or a designee thereof. Each speaker shall be limited to four (4) minutes each. A majority of the Council members voting shall be required to override a committee recommendation of indefinite deferral. If such override is approved, the item shall be placed on the agenda for consideration at the next regular meeting of the Council. If such override is disapproved, the Clerk will permanently remove the item from the Council agenda.

## **PERSONNEL AND COMMITTEES**

### **9. Introduction of legislation**

Any proposed ordinance or resolution may be introduced by one or more Council members. The Metropolitan Clerk (“Clerk”) shall not accept a proposed ordinance or resolution for filing unless the original copy of the legislation has been signed, either physically or electronically, by a Council member.

Any resolution or proposed ordinance on first reading, the subject matter of which affects only one district, shall upon request 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.

Any substitute resolution or ordinance offered by the primary sponsor shall automatically include the same cosponsors, and in the same order of co-sponsorship, as the original legislation unless an individual cosponsor submits a written request to the Metro Council Office prior to consideration by the Council of the substitute indicating that they do not wish to be listed as a cosponsor of the substitute.

### **10. Introduction of zoning legislation by at-large Council members**

With the exception of zoning text amendments, when any zoning measure is introduced by an at-large Council member, the Council member from the district concerned shall be notified by the at-large Council member through the Council Office and afforded the opportunity to be its cosponsor prior to the filing deadline. This does not restrict the right of the at-large Council member to introduce such measure if the district Council member does not desire or refuses to be its cosponsor.

### **11. General filing requirements**

One original of all ordinances and resolutions shall be filed physically and/or electronically with the Clerk, said original to be retained in the office of the Clerk at all times, subject only to withdrawal for signature by the Mayor. All references in these rules to “original” ordinances or resolutions shall include the physical or electronic version thereof. The Clerk’s Office shall develop and maintain a process for the use of electronic signatures for the purposes of filing legislation.

## **12. Honorarium resolution requirements and presentations**

Memorializing and congratulatory resolutions in typewritten form, with copies to be sent to the appropriate party or parties, are proper resolutions to be considered and acted upon by the Clerk. All memorializing resolutions honoring individuals, groups or organizations shall be referred to the Rules Committee for review and recommendation.

Each Council member shall be limited to filing no more than one memorializing resolution, resolution requesting information, or similar resolution that is not binding legislation for each meeting of the Council.

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, each Council member shall be limited to presenting two (2) 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/or to present the honoree(s) with an official copy of the resolution. Presentations shall take place during the period reserved for announcements and extraordinary matters.

## **13. Filing deadlines; emergency items**

The following deadlines apply:

- All ordinances and resolutions shall be filed in the Clerk's Office not later than noon on the Tuesday at least one week prior to 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.
- Legislation prepared by the Council Office must be requested in writing at least forty-eight (48) hours prior to this delivery deadline.

All amendments to, or substitutes for, an ordinance or a resolution, or any requested late-filed legislation, shall be delivered to the Council Office not later than Noon on the Friday immediately preceding the regular meeting date. In the event of a special meeting, delivery shall occur not later than Noon the second day -- excluding Saturdays and Sundays -- preceding the day of such

Council meeting. Amendments or substitutes will be prepared in a manner that indicates deletions by striking through such content and insertions by underlining such content.

The Council may not consider any ordinance, resolution, amendment or substitute not filed in accordance with the two preceding paragraphs.

No ordinance, resolution, amendment or substitute submitted after these prescribed deadlines will be considered by the Council except on an emergency basis. It is not the responsibility of the Council Office to prepare late-filed legislation.

Any sponsor of such late legislation must appear before the Rules Committee immediately prior to the regular meeting to disclose 1) why there is an emergency; 2) whether the legislation could have been timely filed; and 3) whether the matter can wait until the next Council meeting.

Late ordinances and late resolutions will still be referred to other appropriate committees per Rule 7. At the subsequent regular meeting, the sponsor must state on the introduction thereof that an emergency exists, must state the nature of the emergency, and must request a suspension of the rules.

#### **14. Certification by Director of Finance on funds availability requirement**

Upon the filing of any ordinance or resolution requiring the appropriation or expenditure of money, the Director of Finance shall be afforded a period of twenty (20) days to furnish a statement to the Council certifying the availability of funds. No committee may consider the legislation until such time as the Director of Finance has furnished such statement, or twenty (20) days has elapsed since the legislation filing.

#### **15. Capital Improvements Budget**

By October 31 of each year, members of Council shall submit all of their Capital Improvements Budget requests for the ensuing fiscal year to the Council Office for review by the Department of Finance, Planning Department, and implementing departments in order to identify costs, timeline and alignment with the General Plan. By December 16 of each year, a report of the reviewed requests shall be prepared by the Planning Department for review by the Budget and Finance Committee and Planning, Zoning, and Historical Committee. Prior to the Capital Improvements submittal date established by the Director of Finance, the Budget and Finance Committee and Planning, Zoning, and Historical Committee shall hold at least one joint meeting to prioritize Capital Improvement Budget requests on behalf of the Council in order to submit the requests in the format and timeline established by the Director of Finance for the Capital Improvements Budget development for the ensuing fiscal year. No Capital Improvements Budget requests shall be considered by the Council unless submitted in accordance with this rule.



## **16. Settlement of claims**

No resolution or ordinance approving the settlement of a claim against the Metropolitan Government, upon being filed, shall be placed upon the agenda by the Clerk until the Director of Law shall have filed with the Clerk a statement recommending the payment of the claim.

## **17. 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, shall be considered by the Council 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 Mayor and the Clerk. However, 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.

All ordinances involving street or alley closures shall include the name or names of the parties requesting the street or alley closure within the body of the legislation.

## **18. Planning Commission recommendations on zoning bills requirements**

No resolution or ordinance required to be referred to the Planning Commission for a recommendation shall be filed with the Clerk unless evidence of submission to the Planning Commission is filed together with the legislation, or the legislation has noted upon it the recommendation of the Planning Commission.

## **19. Prerequisites for zoning bills**

Any property proposed to be rezoned to provide new entitlements 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 Planning Commission before its introduction. Substitutes introducing Specific Plan (SP) zoning upon second or third reading may rely upon the previous Planning Commission recommendation only if the SP is equally restrictive to or more restrictive than the original zoning request. No zoning ordinance shall be filed with the Clerk unless such proposed legislation is accompanied with evidence that all fees required pursuant to the Metropolitan Code have been paid.

For zoning bills, 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) shall be included as an attachment to the ordinance and made available to the public through the Council's legislative website.

## **20. Notaries public**

The election of certain notaries public by the 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 they are 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.

## **21. Legislation concerning appropriation of funds**

The Council's consideration of any resolution which issues, determines to issue, or otherwise approves any bond or other debt obligation shall be subject to the following requirements:

1. No such resolution shall be considered during the pendency of any ordinance adopting the Annual Operating Budget of the Metropolitan Government;
2. Following initial introduction, the resolution shall be deferred for at least one (1) Council meeting to allow for thorough consideration;
3. The resolution, or an attachment thereto, shall include the following information:
  - a. the total amount to be financed;
  - b. each of the purposes of the amount to be financed;
  - c. for each purpose, the portion of the total amount to be financed being allocated for that purpose;
  - d. for each purpose, a description with reasonable specificity of any subparts or categories within that purpose, and the portion of the total amount to be financed being allocated for each subpart or category;
  - e. the Capital Improvements Budget project number related to the proposed purpose, subpart, or category (if available); and
  - f. identification of where the proposed purpose appears (if at all) on the Metro Council's CIB Project Prioritization List.

No resolution or ordinance proposing to expend or appropriate funds or to authorize the borrowing of funds for capital improvements projects (including the issuance of bonds or notes) shall be considered by the Council unless and until said legislation shall list the projects to be funded and the estimated cost of each project. Additionally, no such resolution or ordinance shall be considered if the department, agency or office benefiting from the appropriation or

expenditure has failed for thirty (30) or more days to respond to a request for information submitted by the Council or any committee of the Council.

## **22. 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 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 Council. If no such report is received, the Council shall be entitled to consider the legislation.

## **23. Confirmations and questionnaires**

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 Council members. No action may be taken upon such appointee until and unless such completed questionnaires have been sent to the Clerk by 12:00 p.m. and Council members by 4:00 p.m. 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. Unless otherwise specified, 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.

## **24. Agenda preparation and mailing**

The agenda for each meeting shall be prepared by the Clerk and sent to each member not less than four 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 Wednesday prior to such meetings.

This agenda shall show on all planning and zoning and mandatory referral matters listed thereon the vote of the Metropolitan Planning Commission ("Planning Commission") upon its action on such matters.

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

## **FACILITY USE AND ACCESS**

### **25. Use of Council Chamber; distribution of written materials**

The use of the 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. Designation of the responsible party for placing committee rooms in proper order when groups other than Council committees use the committee rooms and make rearrangements of the furniture.

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
  - a. are signed by the individual requesting distribution and clearly show the individual's name, address, and phone number or e-mail address; and
  - b. have been delivered first to the Vice Mayor, Clerk, or Council Staff with a request for distribution by 4:30 p.m. on the day of the meeting at which the written materials, documents, or other items are to be distributed; or
2. they bear the signature of the Council member requesting distribution; or
3. they have been delivered to the Council Office by U.S. Mail or other paid delivery service.

Additionally, Council Staff may place upon members' desks any amendments or substitutes to resolutions or ordinances, any late-filed legislation, and such mail as may be received that is addressed to such members.

The only other materials that may be placed upon members' desks during a meeting are subject to the discretion of the Vice Mayor.

Further, the distribution of all such materials shall be under the direction of the Clerk and Council Office.

## **26. Restrictions on access to Council Chamber and committee rooms**

No person except those persons who are permitted in the Council Chamber during a meeting of the Council under these rules may be in the Council Chamber at any time beginning from the start of the day's first committee meeting or meeting of the Council and ending at the conclusion of the day's final committee meeting or meeting of the Council. While the 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 the hallway between the committee rooms and the legislative area of the Council Chamber. For a period of fifteen (15) minutes following the conclusion of a meeting of the Council, no person may enter the Council Chamber except those persons who are permitted in the legislative area of the Council Chamber as provided in these rules.

No persons except Council members, Council Staff, employees of the Clerk's Office, employees of the Mayor's Office, the Director of Finance and their designee, Metropolitan Attorneys, employees of the Planning Department, authorized security personnel, appropriate I.T.S. staff, and minor children of Council members 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 and sit or stand along the perimeter of the Council Chamber.

## **27. Announcements and extraordinary matters**

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

## **NON-COUNCIL ENGAGEMENT**

### **28. Public addressing Council**

During the public comment period held at the second regular Council meeting of each month, and at the discretion of the Vice Mayor, individuals shall be allowed to speak for up to two (2) minutes each.

During all other public hearings, individuals shall be allowed to speak for up to two (2) minutes regarding each matter.

Members of the public may address the Council in a public hearing format regarding a specific resolution or ordinance, when a public hearing is not otherwise required by law, if the Council approves a Council member's motion by a two-thirds (2/3) vote of the Council members present at such meeting to allow members of the public to address the Council. Such motion shall specify the subsequent meeting at which the public hearing is to take place.

The Clerk shall keep time in accordance with this rule.

### **29. Public hearings for zoning bills**

Upon introduction of any zoning ordinance not accompanied by a recommendation of the Planning Commission, such ordinance shall be referred to the Planning Commission. The 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 following first reading without a recommendation.

Public hearings on zoning bills shall be held at the first meeting of each month, provided that no zoning public hearing shall be held at the first meeting in June. This rule shall not preclude any other matters from being considered on the first meeting of each month. Public hearings on zoning bills may be held at any other Council meeting if the Vice Mayor determines circumstances warrant holding additional public hearings.

### **30. Mayor's privilege of the floor**

The Mayor – or an authorized representative, subject to the discretion of the vice mayor – shall have the privilege of the floor.

## **COUNCIL MEETINGS**

### **31. Order of business**

The regular order of business for Metropolitan Council ("Council") meetings 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
10. Resolutions not on Consent Agenda
11. Ordinances on first reading
12. Ordinances on second reading
13. Ordinances on third reading
14. Adjournment

### **32. Attendance of Director of Law and Director of Council Office**

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

### **33. 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 for the purpose of providing a report from the committee, if such a report exists and has not been previously provided.

No action may be taken on any ordinance or resolution (except ordinances on introduction and first reading) at any meeting of the Council unless the sponsor is present. No action may be taken on any ordinance or resolution 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 chair of the committee, in writing, of the action that should be taken.

### **34. Limitation of time on speakers**

A Council member shall speak no more than once on the same subject until all Council members have had an opportunity to speak on it, and for no more than three (3) minutes. The Clerk shall keep time in accordance with this rule. A Council member shall be entitled to yield their time to another member once per pending motion. These restrictions may be waived by the Vice Mayor or by a majority of the members present.

If a Council member 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.

### **35. 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, provided it meets the restrictions in Rule 39.

A motion for the previous question requires approval by two-thirds (2/3) of the total votes cast to prevail.

A motion to table may be debated only by (a) the maker of the motion and (b) one proponent of the ordinance or resolution involved. If a motion to table is directed at a motion, the motion to table may only be debated by (a) the maker of the motion to table and (b) the maker of the motion against which the tabling motion is directed.

### **36. 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:

1. The maker of the motion to reconsider must have voted with the prevailing side.
2. The motion to reconsider must be made before the next order of business.
3. 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.

### **37. 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).

### **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 legislation upon any reading.
2. There is any negative vote on a resolution.
3. There is any abstention or negative vote on an ordinance on third reading.
4. Upon request of any Council member prior to a vote or immediately following a voice vote before the next order of business, the chair shall ask if there are any seconds and, if seconded by three (3) additional members, the chair shall call for a roll call vote.

When there is an abstention and no negative votes on a resolution, the chair may either call for a roll call vote or direct the clerk to record the names of members who have abstained.

When there is an abstention or negative vote on an ordinance on second reading and the chair is able to determine the outcome of a voice vote, the chair may either call for a roll call vote or direct the clerk to record the names of members who have abstained.

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.

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

### **39. 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 motion for the previous question on the budget ordinance cannot be made until members have been allowed at least thirty minutes for debate.

A motion to table a substitute budget ordinance cannot be made until members have been allowed at least fifteen minutes for debate.

A motion to table an amendment to either the budget ordinance or a substitute budget ordinance cannot be made until members have been allowed at least five minutes for debate.

### **40. 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 their 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 Council member 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 on the consent agenda items. The Vice Mayor shall read all of the captions for the resolutions on the consent agenda at one time and, following the committee reports, one vote shall be taken for approval of the consent agenda resolutions.

### **41. Amendments to legislation and substitute legislation**

Except for zoning matters, budget, revenue service charges, economic development incentive ordinances or tax ordinances, no ordinance may be amended or substituted after second reading. No motion to amend the Capital Improvements Budget for the ensuing fiscal year, with the exception of the deletion of projects, shall be entertained by the Council unless such amendment was submitted in compliance with Rule 15.

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 9:00 a.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. Distribution shall be made by electronic mail to all members, on-line posting on the Council website, and placement of hard copies on members' chamber desks.

#### **42. Charter amendments**

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).

#### **43. Deferrals; excessive deferrals; indefinite deferrals**

All ordinances before the Council on second and third reading, except those affecting zoning under Title 17 of the Metropolitan Code of Laws, and all resolutions shall automatically be deferred indefinitely upon the third deferral thereof.

Any ordinance or resolution that has been removed from the agenda, pursuant to this rule or because the sponsor has requested indefinite deferral, shall be reinstated onto the agenda only at the written request of the sponsor, which shall be made to the Clerk not later than noon on the Tuesday at least one week preceding the Council meeting at which time the matter can be considered. Any ordinance or resolution that has been removed from the agenda after a disapproved motion to override under Rule 8 is not eligible to be placed on the agenda again.

Any member of the Council who has sponsored indefinitely deferred legislation may inform the Clerk in writing to replace the ordinance or resolution on the agenda for the next Council meeting. Such requests shall be made to the Clerk not later than noon on the Tuesday at least one week preceding the Council meeting. 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 -- other than to comply with the final paragraph of this rule -- after being so replaced on the Council agenda at the next meeting, then the ordinance or resolution shall be considered 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.

Any ordinance or resolution that has been deferred for a period of more than ninety (90) days shall automatically be deferred for one meeting upon being placed back on the agenda at the request of the sponsor pursuant to this rule and shall be re-referred to the appropriate committee(s) selected by the Vice Mayor or Clerk for a recommendation.

#### **44. Withdrawals of legislation**

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. Withdrawal of legislation may only be requested by the sponsor, or by a cosponsor if the sponsor has informed the vice mayor, in writing, that the withdrawal is authorized.

#### **45. Decorum**

The use of tobacco, electronic nicotine delivery systems, or alcohol shall be prohibited in the Council Chamber at all times. The use of two-way voice or two-way video communications shall be prohibited during Council meetings. Consumption of food beyond small snacks shall be prohibited during Council meetings. The Clerk may formulate and enforce further policies for the general maintenance and upkeep of the Council Chamber.

#### **46. No meetings on Election Day**

No Council meeting or committee meeting shall be held on days in which a primary or general election overseen by the Davidson County Election Commission has been scheduled in accordance with applicable law. In the event such an election occurs on the day a Council meeting would otherwise be held, the Vice Mayor shall set a date for an adjourned meeting in lieu of meeting on the day of the election.

#### **47. Adjournment sine die**

At the end of the Council's four-year term, the Council shall adjourn sine die, and all ordinances and resolutions that have not received a final action by the Council shall be deemed withdrawn.

## **ELECTION AND RECALL**

### **48. Election of members of Council to commissions; conduct of all elections**

All elections conducted by the Council to elect members to the 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. 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 Council member who shall thereupon write or print their name and either their 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 Council member. The final vote shall be tabulated and spread upon the minutes of the Council. Any ballot of a Council member that does not comply with the provisions of this Rule 48 shall be void and not considered as a vote cast under the Rule.

### **49. 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 Council.

1. Upon the vacancy in the office of any elected official that may lawfully be filled by the 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 Clerk shall immediately notify the Nashville Bar Association and Napier-Looby Bar Association of such vacancy, which notification may be by facsimile or electronic 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 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 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 Clerk a copy of their resume and a written questionnaire approved by the Rules 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. Physical and mental ability to perform the essential duties of the position with or without reasonable accommodation;
  - i. For judicial appointments, if the candidate is an attorney, a waiver of confidentiality as to disciplinary matters under the Tennessee Supreme Court Rule 9, Section 32.1.
  - j. All other information that may be required by law to ensure their eligibility to serve.

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

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

4. All candidates for a position shall personally appear before the Rules Committee to be interviewed to ensure the candidate is properly qualified. The Clerk's Office will notify each candidate by electronic mail and certified mail regarding the date, time, and place of the Rules 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 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 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 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 Council by filing them with the 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 48(2) and (3).

#### **50. Election to boards and commissions**

In the event of a vacancy for a board or commission not otherwise addressed in these rules and for which Council is charged with selecting a successor, the following procedure shall apply:

1. The Vice Mayor shall by letter notify each member of the Council of the existence of a vacancy on said boards or commissions. At the next regularly scheduled Council meeting 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 or commission.

2. Those persons nominated shall be referred to the Rules Committee 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. No action may be taken upon such nominee until and unless such completed questionnaires have been sent to the Clerk by noon and Council members by 4:00 p.m. five days preceding any vote to fill the vacancy. Any nominee who does not submit their questionnaire in time to meet this deadline shall be deemed to have withdrawn their name for nomination.
3. Upon receiving the recommendation of the Rules Committee, the Council shall conduct an election to elect a person to the board or commission. Any person nominated who fails to appear before the Rules Committee shall be deemed to have withdrawn their name for nomination. The election for all seats on a board shall be held concurrently, with each Council member allowed to vote for a number of nominees equal to the total number of vacancies. Each vacancy will be filled by: (a) the top recipient of votes and/or (b) any other nominee(s) receiving 21 or more votes in order of total vote count until vacancies are filled. 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. Vacancies will be filled first for full terms, then for partial terms, beginning with the partial term with the most time remaining and continuing through the partial term with the least time remaining. Ties shall be broken by the Vice Mayor, first to ensure the number of elected nominees equal the number of vacancies, then to determine who receives the longer of available partial terms, then to determine who receives available full terms, if necessary.

#### **51. Recall procedures for members of boards and commissions**

The following procedure shall be followed by the 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 or members 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 Committee. The person(s) 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 a roll call vote and approval shall require three-fourths (3/4) of the entire membership of the Council.

## **RULES GENERALLY**

### **52. Council travel expense reimbursement**

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

### **53. Adoption of rules of procedure and amendments to rules**

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 the permanent Rules of Procedure may be considered by the Council, the Rules Committee shall have considered the proposed amendment and a written copy of the proposed amendment shall be distributed to all members of Council.

### **54. Suspension of rules**

In the consideration of any particular matter, any or all of these rules may be suspended by the Council upon identification of the reason(s) for the suspension and/or the rule(s) at issue by the member seeking suspension, unless two (2) members object to the suspension of the rules.

### **55. 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 Council will be governed by Robert's Revised Rules of Order.

*ADOPTED: December 3, 2019*

*UPDATED: December 15, 2020*