

May 14, 2003

**Mrs. Peggy Williams
City Attorney
200 Castle Heights Ave. North
Lebanon, Tennessee 37087**

Dear Mrs. Williams:

You have asked MTAS for an opinion on the effect of a vote of the city council on a resolution in which three members voted “yes”, two members voted “no”, and one member abstained from voting.

Article 3, Section 12 of the Lebanon City Charter provides that the city council may determine rules of their proceedings, subject to the charter.

Article 3, Section 15 provides... “that the affirmative vote of a majority of the members of the city council shall be necessary to adopt any ordinance or resolution of the city.” This provision requires four affirmative votes in order to pass any ordinance or resolution. Had this section merely stated that a majority vote is required to enact an ordinance or resolution, then the abstention would not have counted, and the resolution would have passed with a majority of the quorum, or three votes.

Sincerely,

**Don Darden
Municipal Management Consultant
The University of Tennessee Municipal Technical
Advisory Service**