

**AGENDA**  
**EFFECTIVE COUNCIL MEETINGS**  
**CITY UNIVERSITY, MUNICIPAL ADMINISTRATION PROGRAM**  
**NOVEMBER 2003**  
**8:30 AM – 12:30 PM**

- a. Call to Order – Introduction**
- b. Roll Call – Name badges**
- c. Pledge of Attendance – Registration forms**
- d. Instructor’s Welcome**
- e. Approval of room temperature and general facility information**
- f. Citizen’s Input – Any participant shall be given an unlimited amount of time to address the instructor on any issue pertaining to effective council meetings.**
- g. Old Business – Evaluating your Team**
  - i. Players and their Roles – discussion of all player positions and the roles they assume in a council meeting.**
  - ii. Rules of the Game – what rules apply to council meetings and how to follow them.**
- h. New Business - Playbook/Game Strategy**
  - i. Coverage, Control, and the Agenda – a look at the council room setting, managing the playing field and the players, how to create an effective agenda and stick to the game plan.**
  - ii. Civility/Unnecessary Roughness – the ayes and noes of council etiquette.**
  - iii. Practice and Preparation – an overview of proper council meeting prep.**
  - iv. Postgame – how to be a team player.**
- i. Any other business – Appendices**
  - i. Sample letter regarding council procedures**
  - ii. City of Palo Alto Proposed Council Protocols**
  - iii. The Council-Manager Relationship: What Works?**
  - iv. City of Troy, MI: Rules for the City Council**
  - v. 10 Habits of Highly-Effective Councils**
  - vi. Civility in City Hall**
  - vii. Maintaining Civility at Council Meetings**
  - viii. Municipal Handbook 2002, Chapter 4, Ordinances and Codes**
  - ix. Open Meetings T. C. A.**
- j. Adjournment – Evaluation forms**

## **PLAYERS AND THEIR ROLES**

Each person attending a city council meeting will play a certain role. One key to holding effective council meetings is to understand everyone's role, including your own. Meetings are most effective when everyone sticks to his/her role and avoids trying to play someone else's position.

### **The Mayor's Role**

The mayor's role at council meetings is an odd mix of referee, coach, and quarterback – a tough job under the best of circumstances. Some might say an impossible job.

#### The Mayor as Referee

As the referee, the mayor has one primary duty at every city council meeting and it is this: to assure that all persons involved have an equal opportunity to participate in the council meeting and that no single person or group dominates the discussion. As the referee, the mayor is charged with:

- Knowing and enforcing the rules of procedure.
- Keeping the meeting moving and “on time.”
- Assuring that neither side in a debate gets an unfair advantage.

An orderly, efficient and business-like meeting will be impossible to achieve unless the mayor performs this role satisfactorily.

It would be impossible -- not to mention a conflict of interest-- for a player on the football team to also serve as the referee. Similarly, the mayor must take special care to avoid taking part in council debates or otherwise becoming an active debater at council meetings. Some city councils recognize the importance of this fact by requiring the mayor to relinquish possession of the gavel (to a member of the board) if the mayor wants to take part in a debate.

For each agenda item, the mayor must see to it that every council member is given an opportunity to express his/her views, ask questions, etc. This can usually be accomplished by simply polling the members of the board and asking them if they have any questions or comments to make. Additionally, the mayor should seek input from the city staff and, if appropriate, the citizens in attendance.

#### The Mayor as Coach

The mayor's “coaching” duties will generally involve developing and implementing strategies for a successful council meeting - as well as motivating the board members to reach a consensus on those matters on the city's agenda. Coaching is, of course, an inexact science and every mayor is likely to have his or her own unique way of getting the council to arrive at intelligent decisions. But there are a few general techniques that every mayor might employ to assure that

council debate remains focused and directed toward an intelligent decision. Before debate begins on any issue, especially controversial ones, the mayor might:

- remind the board of any legal requirements or statutes involving the subject at hand. This will steer the debate away from time-wasting solutions or positions which are not legally achievable.
- briefly outline the goals of the comprehensive city plan as they relate to the subject at hand. This might help the board remain focused on “the big picture” and make decisions consistent with the generally recognized long-range goals of the city.
- explain how the city’s financial situation will be affected by the board’s impending decision. If the debate involves the expenditure of city funds, the mayor should indicate whether or not it is a budgeted item and the amount of funds currently available for expenditure.

### The Mayor as Quarterback

Whereas the coaching duties of the mayor involve making strategic decisions, his/her role as quarterback is primarily concerned with tactics – tactics designed to keep the board “on track” and working toward good decisions.

There are numerous tactics in the mayor’s play book. For example:

- The mayor wields the gavel and, in so doing, decides the amount of time and the order in which persons are allowed to speak. Selecting organized, articulate persons to speak first on a given matter may keep the board members focused. Judicious use of the gavel also allows the mayor to quiet persons who are out of order and disruptive to the deliberative process.
- The mayor is required to interpret the rules of order at council meetings – an enormous advantage in keeping the council on track.
- The mayor, by his/her demeanor and disposition, sets the tone for everyone else at council meetings. A business-like approach to running the meeting will go a long way toward assuring that others in the room maintain a similar attitude.

### **The Board’s Role**

The board members are the “players on the field” at city council meetings. They score points by displaying manners and enacting good legislation. They play defense by avoiding passage of questionable ordinances and acting inappropriately. The most potent weapons in the board member’s arsenal are these:

- Cooperation with other board members. An individual board member, acting alone, is powerless to accomplish anything. Working in concert with other members of the

team (board members), however, the board has considerable powers – to pass laws, appropriate taxes, set utility rates, and establish other municipal policies. **IT IS ALWAYS INAPPROPRIATE TO LOSE ONE’S TEMPER AT A COUNCIL MEETING. THE COUNCIL MEMBER WHO LOSES HIS OR HER TEMPER ALWAYS LOOKS BAD AND JEOPARDIZES HIS OR HER POSITION ON THE COUNCIL.**

- The Vote. A board member’s power is at its peak when he/she casts a vote on an issue. This power is enhanced when the board member’s vote is adequately informed and the result of thoughtful reflection.
- Information. The agenda for city council meetings is usually accompanied by a series of reports – the information package or “play book.” These reports contain detailed information about the agenda topics. If thoroughly read and studied, these reports allow the board member to cast informed votes.

**The board member’s duties:** be a team player, be prepared for every game (study the play book) and execute each play (vote).

### **The City Recorder/City Manager**

These important positions in city government play a role similar to an assistant coach (a specialist) or a trainer. Simply put, it is the recorder’s (or manager’s) duty to see that the mayor and aldermen are in condition to perform at every council meeting. Generally, this is done by developing and distributing agendas and the information package in a thorough and timely fashion.

The recorder or manager plays a supportive role. The recorder or manager may be somewhat invisible in the decision making process – performing tasks on the sidelines or late at night after practice. Success for these members of the team is realized when the mayor and board function as a unit, readily conversant with the issues facing the city government.

At the very least, the recorder or manager should deliver a copy of the agenda to the mayor and each council member several days in advance of every council meeting. The agenda should be specific and provide a general idea of the topics to be discussed at the meeting. A vaguely worded agenda does not adequately prepare the mayor and council members and carries with it the attendant risk of an ineffective meeting.

### **Citizens**

Legally, the citizens (i.e., taxpayers) are the owners of the team. But as a practical matter at council meetings, the citizens mostly play the role of spectators.

Just as there are spectators at every football game, so too are there visitors at most meetings of the city council. Unfortunately, not all the spectators at city council meetings are there to root

for the home team. Still, there is an important role for citizens to play at every city council meeting and it is wise for cities to acknowledge and accommodate the public's involvement.

A citizen's role is to provide feedback to the mayor and council members before (and after) taking any particular civic action. For this reason, many city councils have a specific time during their meetings for "citizen input" or "public participation." During such time, citizens are permitted to lobby for or against various city policies, ask questions (posed to the mayor, not the Aldermen) about city programs, register protests over planned or existing policies, etc.

It is interesting to note that municipalities (and counties) are about the only level of government where citizens enjoy this privilege of directly addressing a legislative body. State and Federal legislatures usually eject (or arrest!) citizens who attempt to address them from the gallery.

As a matter of law, Tennessee cities must allow any citizen to attend city council meetings and to observe "the team" in action. Except in very limited (and rare) situations, city council meetings and workshops (practice sessions!) must be open to the public.

### **The Sergeant-at-Arms**

When either the fans or players get out of line at a game, there are security personnel in the stadium to restore order. Unfortunately, some city council meetings require the presence of security personnel to quell unruly outbreaks or even to remove citizens (or city officials) who are behaving inappropriately. The person assigned to this unpleasant task is called the Sergeant-at-Arms.

The right to attend a meeting of the city council does not include any right to disrupt the meeting. Sometimes, especially when emotional or controversial issues are at stake, people forget this rule and become disorderly (loud, abusive, etc.). Usually such persons receive a warning from the mayor about their behavior and the presence of the Sergeant-at-Arms is sufficient to secure the desired results. However, sometimes the Sergeant-at-Arms must physically restrain and/or remove people from the council chambers – and if the behavior is especially egregious, the offenders may be subject to arrest.

It is a good idea to have at least one Sergeant-at-Arms present at every council meeting – more than one if a large, unruly crowd is expected. The Sergeant-at-Arms should be a certified police officer (having the power of arrest) and he/she should be in uniform – providing notice of his or her authority.

### **The News Media**

The news media is permitted to almost attend all meetings of the city council. Except in rare cases, Tennessee law does not permit cities to bar news people from city council meetings.

Ideally, the city council should attempt to create a special area from which the media can cover council meetings (a press box!). Usually, this is an area close to the council table (i.e., the front row of seats) or some other location that allows reporters a good vantage point to record the

meeting. In smaller council chambers, this may not be necessary; but in larger rooms, it is always advisable to give the media good seats.

The news media's job at council meetings is the same as it is at a sporting event – to cover and describe the event for their readers and viewers. **IT IS NOT THE NEWS MEDIA'S ROLE TO SERVE AS PUBLIC RELATIONS DIRECTOR FOR THE CITY COUNCIL.** It is, therefore, unreasonable and unrealistic to expect the media to portray you in a flattering manner.

## **Rogues**

One should always “expect the unexpected” at council meetings – incidents arising from people who do not know or understand their roles. In many cases, an unruly citizen plays the role of the rogue – one who disrupts the meeting and misbehaves. In such cases, everyone in the room (including the rogue, himself) knows that his/her behavior is inappropriate. The Sergeant-at-Arms is available to deal with this type of rogue.

But there are other types of rogues who, often with the best of intentions, disrupt council meetings because they do not understand them. Examples of these rogues might include:

- Sales personnel who show up at council meetings hoping to sell a product to the city.
- Citizens or groups of citizens who show up expecting to make presentations although they are not on the agenda.
- Protestors, people wanting to make a point. Perhaps even wanting to get arrested.
- Candidates for elected office – particularly during campaign season.
- Children in the room. Babies can be particularly disruptive.
- External factors (“horn honkers,” noisy neighbors, adverse weather conditions.)

When it is appropriate (and possible) to remove or otherwise stop a rogue player at a council meeting, the mayor should order such action. When it is not possible to control a rogue (i.e., the weather or other external factors) it is best to postpone the council meeting – and to resume when conditions improve.

## **RULES OF THE GAME**

### **What are some basic rules of some sports?**

#### **Golf**

- There are 18 holes played per game
- One player is allowed one caddie
- All players start from the tee
- Equipment includes a set of no more than 14 clubs (woods and irons)
- There is a two-stroke penalty for water hazard
- The winner is the player with the fewest number of strokes

#### **Football**

- There are 100 yards to the field
- Kick off is from the 20 yard line
- The offense must earn 10 yards to get a first down
- Uniforms are different colors and include plenty of pads
- A touchdown earns the scoring team 6 points
- There are 11 players per team allowed on the field during play
- Penalty for unnecessary roughness is 15 yards
- There are four quarters

#### **Baseball**

- Three strikes is an out
- Four balls is a walk
- Home team wears a white-based uniform and visitors wear colors
- There are 9 innings
- Overtime occurs when there is a tie at the end of the ninth inning
- There are nine players per team allowed on the field during play
- Penalty for hitting the batter is batter gets first base

#### **Chess**

- There is a checkerboard playing field
- There are 64 spaces
- There are two players with 8 pieces and 8 pawns each
- The pawn, after the first move, can only move 1 space forward, except to capture an opponent's player diagonally and for en passant
- Checkmate means the game is over
- Once a piece or pawn is touched it must be moved

#### **Scrabble**

- Play begins from the center square
- The "Q" and "Z" are worth ten points each
- Each player draws seven tiles
- Proper nouns are not allowed
- Slang or abbreviations are not allowed
- The game is over when there are no more tiles to be drawn and no one can spell another word

**What do the rules establish?**

- How to start
- When it is over
- Fairness
- Number of players
- Player's role
- Penalties for violations
- Uniforms
- Equipment
- Timing
- Who the winner is

**What are some local government rules?**

- Mayor is the chairman of the board
- Meetings between elected officials must be announced and be open to the public
- Records are open to the public
- A quorum is required to conduct business
- Minutes must be recorded
- A municipal fine can't be more than \$50
- Deposits must be made within 3 days of receipt of the money

**Where do we find the rules?**

- Tennessee Constitution
- Tennessee Code Annotated
- State regulatory agencies
- Charter
- Code Book/Ordinances
- Resolutions
- Minutes

## **Tennessee Constitution**

Here are a few of the sections from the Constitution of the State of Tennessee that govern local governments.

### **Article II. Section 24. Appropriation of public moneys.**

No public money shall be expended except pursuant to appropriations made by law. ...No law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.

### **Article II. Sec. 29. Counties and towns - Power to tax - Credit.**

The General Assembly shall have power to authorize the several counties and incorporated towns in this State, to impose taxes for County and Corporation purposes respectively, in such manner as shall be prescribed by law; and all property shall be taxed according to its value, upon the principles established in regard to State taxation.

### **Article VI. Section 14. Fines exceeding fifty dollars to be assessed by jury.**

No fine shall be laid on any citizen of this State that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine should be more than fifty dollars.

### **Article XI Miscellaneous Provisions. Section 9. Power over local affairs - Home rule for cities and counties - Consolidation of functions.**

...The General Assembly shall by general law provide the exclusive methods by which municipalities may be created, merged, consolidated and dissolved and by which municipal boundaries may be altered.

... The General Assembly shall not authorize any municipality to tax incomes, estates, or inheritances, or to impose any other tax not authorized by Sections 28 or 29 of Article II of this Constitution. Nothing herein shall be construed as invalidating the provisions of any municipal charter in existence at the time of the adoption of this amendment.

... The General Assembly may provide for the consolidation of any or all of the governmental and corporate functions now or hereafter vested in municipal corporations with the governmental and corporate functions now or hereafter vested in the counties in which such municipal corporations are located; provided, such consolidations shall not become effective until submitted to the qualified voters residing within the municipal corporation and in the county outside thereof, and approved by a majority of those voting within the municipal corporation and by a majority of those voting in the county outside the municipal corporation.

## **Tennessee Code Annotated**

The *Tennessee Code Annotated* (TCA) is rife with restrictions on local governments; however, the bulk of city regulations can be found in TCA Titles 6 (Cities and Towns) and Chapters 31-88 of Title 7 (Consolidated Governments – Governmental and Proprietary Functions). Here you will find such laws as the Municipal Budget Law of 1982, Municipal Purchasing Law of 1983, and laws regulating annexation and special districts. Chapters 1 through 50 of Title 6 contain the provisions for three general law charter types, while chapters 51-58 pertain to all local governments. Listed below are the chapter titles found in Title 6. However, don't stop looking in these titles for laws with local impact. The open record law is found in title ten, chapter seven, section five, and the sunshine, or open meeting, law is located in TCA 8-44-101 et seq.

### **Mayor Aldermanic Charter**

1. Mayor-Aldermanic Charter - Adoption and Surrender.
2. Powers of Municipalities with Mayor-Aldermanic Charter.
3. Board of Mayor and Aldermen.
4. Officers and Department Heads.
- 5-17. [Reserved.]

### **City Manager-Commission Charter.**

18. City Manager-Commission Charter - Adoption or Surrender.
19. Powers Under City Manager-Commission Charter.
20. Commissioners and Mayor Under City Manager-Commission Charter.
21. City Manager, Officers and Employees.
22. Fiscal Affairs Under City Manager-Commission Charter.
23. Bonds Under City Manager-Commission Charter. [Repealed.]
- 24-29. [Reserved.]

### **Modified City Manager-Council Charter.**

30. Modified City Manager-Council Charter - Adoption or Surrender.
31. Elections Under Modified City Manager-Council Charter.
32. Council and Mayor Under Modified City Manager-Council Charter.
33. Powers and Offices Under Modified Manager-Council Charter.
34. Taxation and Issuance of Obligations Under Modified Manager-Council Charter.
35. City Manager - Administration of City Affairs Under Modified Manager-Council Charter.
36. Public Schools Under Modified City Manager-Council Charter.
- 37-50. [Reserved.]

### **Municipal Government Generally.**

51. Change of Municipal Boundaries.
52. Dissolution and Liquidation of Affairs.
53. Municipal Elections.
54. Municipal Powers Generally.
55. Licensing and Taxing Powers.
56. Fiscal Affairs.
57. Municipal Bonds in General. [Repealed.]
58. Comprehensive Growth Plan.

## **State Regulatory Agencies**

There are a variety of state agencies that have a large impact on how municipalities function. For example, the state Comptroller's office dictates how municipalities account for their revenues and expenditures. Likewise, the Peace Officer Standards and Training (POST) Commission sets minimum requirements for hiring police officers, among other things. Other agencies and departments include Environment and Conservation, the Tennessee Regulatory Authority, and TOSHA, just to name a few.

## **Charter**

The state legislature grants cities the authority to exist through general law charters, private act charters, metropolitan government charters and home rule charters. There are three general law charter types (Mayor Aldermanic Charter, City Manager-Commission Charter, and Modified City Manager-Council Charter). The charter is as close to a rulebook as a municipality can come. The charter describes how a city starts (incorporation), how many players there are on the team (members of the governing body), how many are required to play regulation (quorum), what they have to do to be eligible (residency requirements, wards, etc.), how to make substitutions (filling vacancies on the board), how each position functions (duties of the board, duties of the mayor, duties of the finance director, etc.), allowable plays (general municipal powers), and penalties for violations (the court system).

## **Code Book/Ordinances**

If the charter is one of the rule books, then the code of ordinances, or code book, is like the college versus professional football rule book. The game's rules are pretty much the same, but there are just a few differences in execution. While most cities have adopted noise ordinances, the hours for allowable loud noises may differ. A code book is a compilation, or codification, of rules (ordinances), arranged by category or subject into titles and chapters.

Title 1, Chapter 1 of most cities' code books is titled Administration, Boards and Commissions. Here you will find the most basic rules of the government – when they meet, the structure of their meetings, and what rules they follow to conduct their meetings.

## Agendas

Items you might find on an agenda:

- Adjourn
- Boardmembers'/Aldermens'/Councilmembers' reports
- Call to order
- Citizen input
- Committee reports
- Consent agenda
- Invocation
- Mayor's report
- New business
- Old business

- Pledge of Allegiance
- Reading and correction/approval of minutes
- Roll call
- Staff reports

## Rules of Order

Generally found in the code book, title one, chapter one. Most cities use Robert's Rules of Order, Newly Revised edition, but it is not required. Some cities adopt their own policies, as shown below. If your city does not have some kind of rules of order adopted, it should seriously consider adopting Robert's Rules or its own variation.

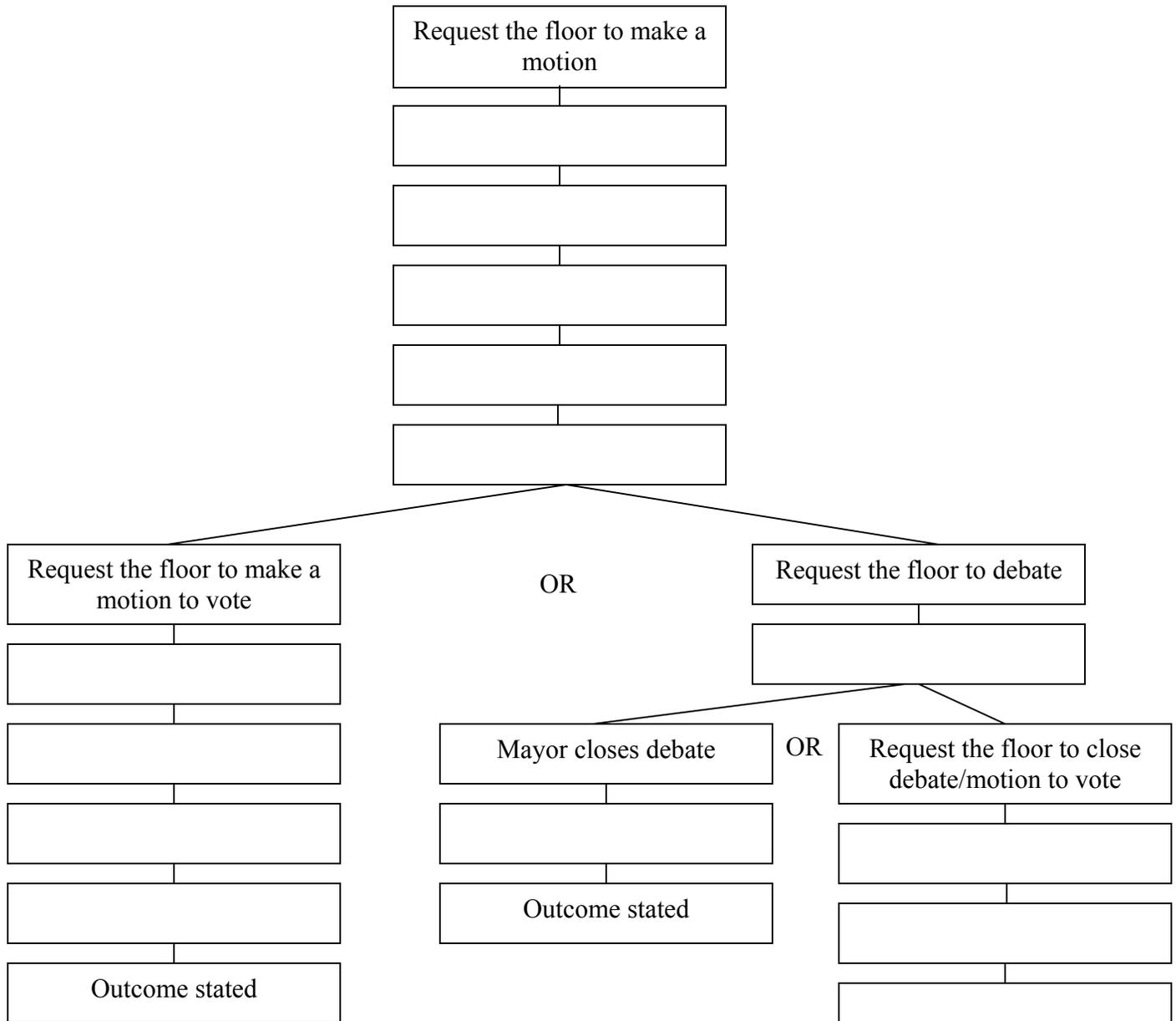
- It shall be unlawful for any person to interrupt the proceedings of the board at any regular or called meeting by noise or disturbance of any kind, and any person so offending shall be arrested instantly by any policeman or police officer present and shall be fined not less than one (1) nor more than fifty (50) dollars.

It shall be unlawful for any person not a member of said board to address the board or speak on any subject before the board without first asking and obtaining the permission of the board, and any person so offending shall be fined not less than one (1) nor more than ten (10) dollars for each offense.

- The mayor shall have the right to determine the rules and proceedings at the meetings of the board of commissioners, subject to the charter of said city, and he may arrest or cause the chief of police, or other police officer, to arrest, and may punish by fine or imprisonment, or both, any member or other person guilty of disorderly or contemptuous conduct and behavior in the presence of the board and the board shall have power and may delegate it to any committee to subpoena witnesses and order the production of all books and papers relating to any subject within its jurisdiction; to call upon its own officers or the chief of police to execute its processes and to arrest and punish by fine and imprisonment, or both, any person refusing to obey such subpoena or order.
- The following rules of procedure shall regulate business before the board of mayor and aldermen:
  - (1) The presiding officer of the board of mayor and alderman shall be the mayor or such person designated by the board to serve in his absence. He shall be charged with the responsibility of deciding questions of order and matters of decorum subject to appeal to the board of mayor and aldermen.
  - (2) Motions shall not be entertained before debate nor be withdrawn after being read or stated. The recorder shall read all written motions and the presiding officer shall state all other motions to the board of mayor and aldermen.
  - (3) Motions having priority over all other motions shall have precedence in the order that follows:
    - (a) To adjourn,
    - (b) Lay on table,

- (c) The previous question,
- (d) To refer and to amend.
- (4) The previous question shall be admitted on demand of three members. It shall preclude all further amendments or debate except pending amendments to the main question, and shall be stated in the following words: "Shall the main question be now put?"
- (5) Division of any question before the board may be made when such division may be effected without destroying the coherence of the question.
- (6) Recognition of a member who desires to speak is made by his respectful address to the presiding officer. Such officer shall acknowledge the member of his right to the floor by stating his name.
- (7) A limit on debate or speech of any member shall be ten (10) minutes for any one time and not more than two (2) times on any one question without the consent of at least three (3) members present.
- (8) Voting on any question shall be controlled by the following requirements:
  - (a) Each member shall vote on all questions before the board unless excused by the presiding officer.
  - (b) An affirmative vote of the majority of the board of mayor and aldermen shall be required for any question to carry.
  - (c) Roll call shall be made in alphabetical order.
  - (d) No member shall have the right to explain the reason for his vote during roll call of members.
  - (e) Members shall vote "aye" to express affirmation and vote "no" to express a negative vote.
  - (f) Reconsideration of any question that passed may be moved by any member who voted in the affirmative, and reconsideration of any question that failed may be moved by any member who voted in the negative. Reconsideration of a question will not lie if the same results can be accomplished by another motion. Upon failure to carry, a motion to reconsider shall not be in order again.
  - (g) The form of all questions shall be as follows: "As many as are of the opinion that, say Aye; contrary No." If doubt arises as to the result of a vote, the presiding officer or any other member may request a roll call vote.

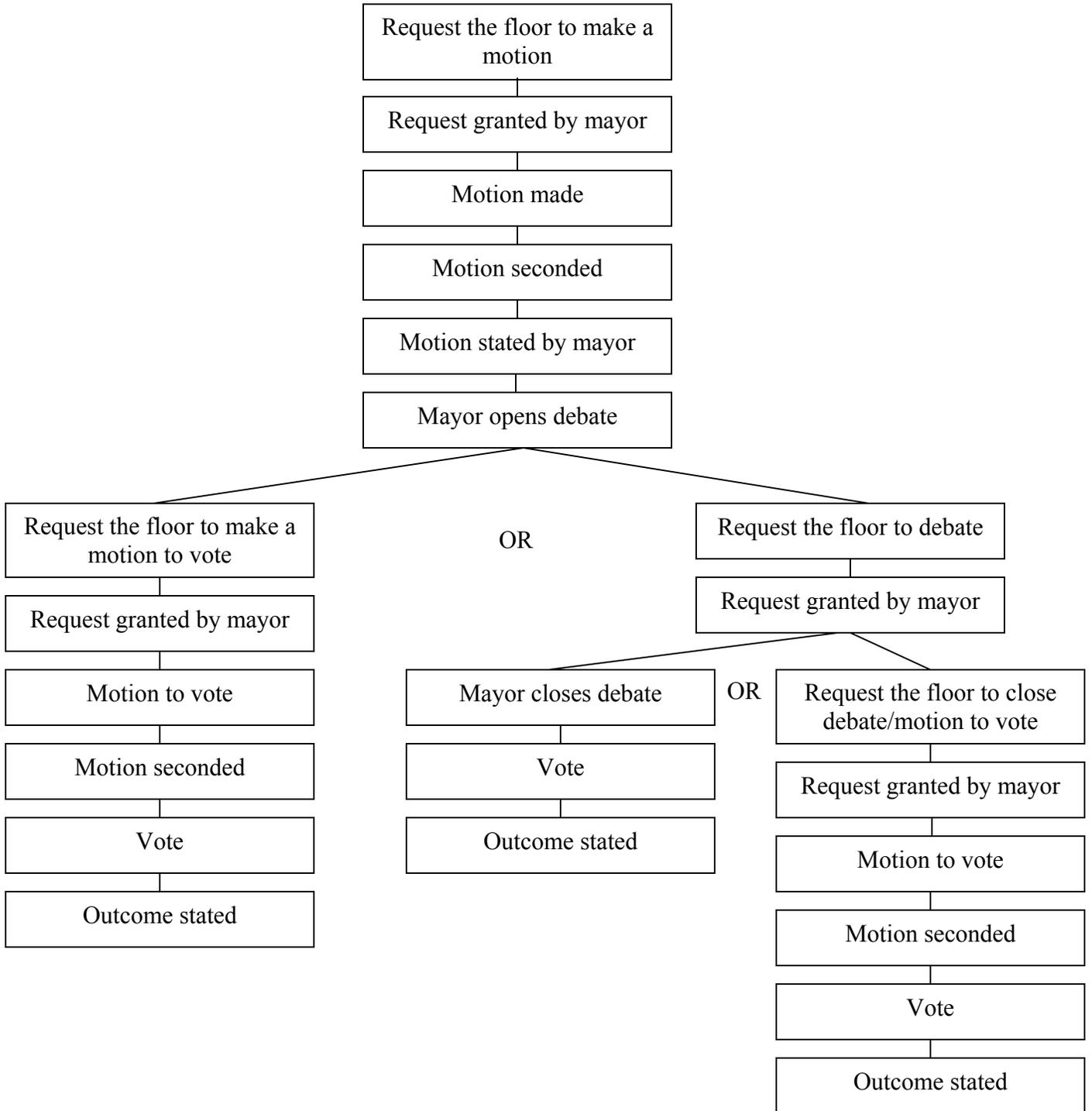
**SELF TEST**  
**FLOWCHART OF A MOTION - According to Robert's Rules of Order**



- a. Mayor opens debate
- b. Motion made
- c. Motion seconded
- d. Motion seconded
- e. Motion seconded
- f. Motion stated by mayor
- g. Motion to vote
- h. Motion to vote

- i. Request granted by mayor
- j. Request granted by mayor
- k. Request granted by mayor
- l. Request granted by mayor
- m. Vote
- n. Vote
- o. Vote

**FLOWCHART OF A MOTION – According to Robert’s Rules of Order**



## **Proper Phrases to Use when Conducting a Meeting Using Robert's Rules of Order**

### **Request the floor to make a motion**

*Alderman Smith:* Mr. Mayor, I'd like to make a motion.

### **Request granted by mayor**

*Mayor:* Alderman Smith, you have the floor.

### **Motion made**

*Alderman Smith:* I make a motion to pass Ordinance number 03-04 on first reading.

### **Motion seconded**

*Alderman Johnson:* I second the motion. OR - Second.

### **Motion stated by mayor**

*Mayor:* Alderman Smith made the motion to pass Ordinance number 03-04 on first reading, seconded by Alderman Johnson.

### **Mayor opens debate**

*Mayor:* Alderman Smith, you made the motion, would you like to comment? OR - Is there any discussion? OR - Are you ready for the question?

### **Request the floor to make a motion to vote**

*Alderman Johnson:* Mr. Mayor, I'd like to have the floor to move the previous question.

### **Request granted by mayor**

*Mayor:* Alderman Johnson, you have the floor.

### **Motion to vote**

*Alderman Johnson:* Mr. Mayor, I move the previous question.

### **Motion seconded**

*Alderman Brown:* I second the motion. OR - Second.

### **Vote**

*Mayor:* The question is on the motion to pass Ordinance number 03-04 on first reading. Those in favor of the motion say "aye." Those opposed say "no."

### **Outcome stated**

*Mayor:* The ayes have it and the motion is adopted. OR - The noes have it and the motion is lost.

### **Request the floor to debate**

*Alderman Wilson:* Mr. Mayor, I'd like to comment on the motion to pass Ordinance number 03-04 on first reading.

### **Request granted by mayor**

*Mayor:* Alderman Wilson, you have the floor if Alderman Smith does not wish to comment.

### **Mayor closes debate**

*Mayor:* If there is no more discussion on the motion to pass Ordinance number 03-04 on first reading, then let's move to a vote.

### **Vote**

*Mayor:* The question is on the motion to pass Ordinance number 03-04 on first reading. Those in favor of the motion say "aye." Those opposed say "no."

### **Outcome stated**

*Mayor:* The ayes have it and the motion is adopted. OR - The noes have it and the motion is lost.

**Request the floor to close debate/motion to vote**

*Alderman Miller:* Mr. Mayor, I'd like to have the floor to close the debate.

**Request granted by mayor**

*Mayor:* Alderman Miller, you have the floor.

**Motion to close debate**

*Alderman Miller:* Mr. Mayor, I move to close the debate. OR - Mr. Mayor, I move the previous question.

**Motion seconded**

*Alderman Brown:* I second the motion. OR - Second

**Vote**

*Mayor:* The question is on the motion to pass Ordinance number 03-04 on first reading. Those in favor of the motion say "aye." Those opposed say "no."

**Outcome stated**

*Mayor:* The ayes have it and the motion is adopted. OR - The noes have it and the motion is lost.

## Definitions And Decorum – Robert’s Rules Of Order

### Definitions

- Debate: Discussion on the merits of a pending question – that is, whether the proposal under consideration should, or should not, be agreed to.
- Lay on the table: To interrupt the pending business so as to permit doing something else immediately. There is no set time for taking the matter up again; but it expires at the close of the next regular session. Commonly misused in place of the motion to “Postpone indefinitely” or to “Postpone definitely/postpone to a certain time.”
- Motion: A formal proposal by a member, in a meeting, that the assembly take certain action.
- Move the question: The proper form to request a vote be taken on the motion.
- Pending: “On the floor,” the period of time between a motion being made and a vote being taken.
- Postpone definitely: The motion to delay the consideration or vote on a motion until a certain day, meeting, or hour, or until after a certain event. An item cannot be postponed longer than the close of the next regular meeting.
- Postpone indefinitely: The motion that the assembly decline to take a position on the main question. Its adoption kills the main motion (for the duration of the session) and avoids a direct vote on the question. It is useful in disposing of a badly chosen main motion that cannot either be adopted or expressly rejected without possibly undesirable consequences.
- Previous question: The main motion that is up for debate.
- Second: The act of requesting that the motion be considered. Seconding a motion is not an endorsement of the motion, but rather a statement that further discussion is desired.
- State the question: The process of the mayor restating the motion. Before a motion is stated, only the person making the motion can withdraw or modify it, but once the motion has been stated, another motion and vote is required to withdraw or modify it.

### Decorum during debate

- The person who makes the motion has the first refusal to speak on the subject when the floor is opened for debate, even if someone else had requested to speak before him/her.
- In the debate, each member has the right to speak twice on the same question on the same day, but cannot make a second speech on the same question so long as any member has not spoken on that question desires the floor. A member who has spoken twice on a particular question on the same day has *exhausted his right to debate* that question for that day.
- Without the permission of the assembly, no one can speak longer than permitted by the rules of the body – or, in a non-legislative assembly that has no rules of its own relating to the length of speeches, longer than ten minutes.
- In debate a member’s remarks must be germane to the question before the assembly (governing body) – statements must have bearing on whether the pending motion should be adopted.
- When a question is pending, a member can condemn the nature or likely consequences of the proposed measure in strong terms, but he must avoid personalities, and under no circumstances can he attack or question the motives of another member. The measure, not the member is the subject of debate.

- Members of an assembly cannot address one another directly, but must address all remarks through the chair (mayor).
- The officers should always be referred to by their official titles.
- The maker of a motion, while he can vote against it, is not allowed to speak against his own motion. He need not speak at all, but if he does he is obligated to take a favorable position.

## **Ordinance Versus Resolution**

An ordinance, according to Webster's New World College Dictionary, is "a direction of command of an authoritative nature; a governmental, now especially municipal, statute or regulation.

A resolution, again according to Webster is: "a formal statement of opinion or determination adopted by an assembly or other formal group; decision as to future action."

To put it simply, a resolution expresses the will and an ordinance dictates the way.  
(Where there's a will, there's a way)

### **Ordinance Needed**

- To change election date
- To pass budget
- To annex
- To contract municipal boundaries
- To allow city employees to run for city office
- To create position of city administrator (in mayor-aldermanic charter)
- To modify the number of aldermen (in mayor-aldermanic charter)
- To adopt a new code (recodification)
- To adopt zoning regulations
- To impose penalties for violation
- To adopt a code (i.e. building, electrical, rules of the road) by reference
- To define procedures for delinquent property tax collection
- To call for a referendum on local option sales taxes
- To elect a municipal court judge
- To adopt cable television standards
- To create improvement districts
- To increase purchasing limits above \$2,500 but below \$10,000 before requiring advertising and competitive bids
- To reimburse travel expenses
- To create a central business district
- To create a district management corporation
- To regulate adult-oriented establishments
- To prohibit or regulate beer sales
- To levy an inspection fee on retail liquor licensees (package stores)
- To license and regulate junk yards
- To prohibit, regulate or restrict fireworks sales
- To prohibit and penalize price gouging during an emergency
- To allow the governing body to serve as the utility board
- To create an electric system monopoly
- To appoint an advisory committee consisting of either the former commissioners or residents and customers of the utility district when acquiring a utility district
- To declare that public necessity requires a competing utility

- To permit serving a nonmoving traffic violation warrant by registered mail in cities with population over 32,000 with a city court
- To declare the sheriff eligible to enforce city ordinance violations
- To designate the person with the authority to declare a civil emergency
- To prohibit charitable roadblocks or regulate collection donations on city streets
- To regulate trains within city limits (except train speed)
- To prohibit jay walking
- To adopt the provisions of the state’s child passenger restraint laws
- To require a railroad to pay for and install crossing gates or signals if they are reasonably required to protect motorists
- To require proof of insurance or “financial responsibility” of motorists charged with a moving traffic violation
- To permit parking on the left-hand side of the road on a one-way street, and angle parking on any street
- To make it a local violation to transport upon any city street or highway a child between six and 12 years old in the bed of a pickup truck of less than three-quarters of a ton.
- To authorize an unlimited number of building permits for general home repairs and improvements to be issued to state-licensed contractors
- To regulate fire prevention
- To regulate slum clearance
- To opt out of the required training for planning commission and board of zoning appeal members
- To prohibit “demolition by neglect” of structures in historically zoned areas
- To create an airport authority
- To pass airport zoning regulations

### **Resolution Needed**

- To adopt one of three property tax assistance programs
- To request in-lieu-of-tax payments from any public works
- To approve bond issuance
- To enter into leases, loan agreements, sales contracts, or operating agreements or contracts for financing certain projects
- To participate in the state’s retirement plan – Tennessee Consolidated Retirement System (TCRS)
- To establish a mandatory retirement age for police officers and firefighters (TCRS members)
- To authorize and accept liability for increases in retirement benefits and compensation
- To create an industrial development corporation
- To amend a parking authority’s certificate of incorporation
- To express the city’s interest in creating a central business improvement district
- To request an authorized referendum
- To transfer authority for planning, constructing, and operating an airport from a city’s governing body to an airport officer or board
- To create a regional airport authority

- To petition a neighboring city to construct and operate “urban-type public facilities
- To approve a cemetery company purchasing up to 200 acres of land within a city for perpetual use
- To request the state’s General Assembly to dedicate a highway or bridge

**An Ordinance Or Resolution Can Be Used:**

- To adopt a personnel policy
- To authorize early payment of property taxes for rebate
- To establish a privilege tax on litigation
- To create a method for surplus property disposal
- To issue approval for a long term (up to five years) contract
- To establish a deferred compensation plan
- To designate who can issue summonses for ordinance violations
- To authorize a joint operation agreement for airport operations
- To license, control and regulate taxicabs
- To create a transit authority

**Minutes**

Keeping with the sports analogy, the minutes of a meeting are the written play by play. Sometimes instant replay is needed: “City Recorder Doe, would you please read back to us the exact wording of the motion?” The city recorder carries this ball. The recorder’s duties are to keep a record of the roster, to note who made a motion, who seconded it, who amended it and who voted for it or against it. Also noteworthy are the names of the citizens who asked to comment and the key issues raised around a topic. It is not necessary to record minutes word for word, but they do need to be specific enough for anyone reading them to understand what occurred.

## PLAYBOOK/GAME STRATEGY

### Coverage of the Game: How to Avoid Looking Ineffective

Tennessee state law allows the news media to attend meetings of the city council. Attendance is not limited to those reporters who are supplied only with a pencil and a tablet. It is legal for the media to bring in and use tape recorders, still cameras, and video cameras at city council meetings. The presence of cameras and tape recorders in a council meeting can have unhappy consequences unless the council is properly prepared.

Here's how city councils can work with the media to look their best in the newspaper, on the radio, or on the six o'clock news:

1. Dress appropriately. Even the best board member will look ridiculous on television if he/she is too casual. Sunday-go-to-meeting attire should be worn – and men should LEAVE THEIR BALL CAPS AT HOME.
2. Never let them see you sweat – so set the thermostat in city hall to a comfortable level.
3. Spit out your gum before entering the council chambers. Also, avoid eating snack foods while seated at the council table.
4. Try to use proper English when speaking. Avoid using slang, technical jargon, etc. And NEVER UNDER ANY CIRCUMSTANCES use profanity.
5. Do not lose your temper. Nothing will look worse on the nightly news than a tight, close-up of your face while you are angry. Think: bulging eyeballs, exposed teeth, veins popping out of your neck, etc.
6. Make sure the lighting in city hall is conducive to photography – that is, brightly lit. This will minimize unflattering shadows.
7. Try to reserve a space in the council chambers for the media to sit – someplace where they will have an unobstructed view and can hear “the action” at the council table.
8. It is also a good idea for the mayor to acknowledge the news media at the beginning of every council meeting. Something like:

“We're honored to have representatives of the *Quagmire Times* and radio station WXYZ with us here tonight. We appreciate you folks covering our meeting.”

The greeting to the media serves two purposes. First, it doesn't hurt to be nice to them. Second, it warns everyone in the room that media is present – something which might not otherwise be known by some of your visitors.

9. It is OK for councils to have disagreements in front of the press. But the disagreements should always focus on ideas, not on personalities. Avoid ad hominem attacks.
10. Avoid playing to the camera. No grandstanding. After the reporters fold up their equipment and leave, you still have to work with the other people on the council.

### **Controlling the Environment – 5 Ideas for Keeping Things from Getting Out of Hand**

Sometimes, despite our best efforts to the contrary, things just get out of hand at a council meeting. A debate turns into a heated argument. Questions turn into accusations. The audience gets ugly. Suddenly, what started out as an ordinary council meeting has degenerated into a no-holds barred wrestling match. What now?

1. Call a Time Out.

The best way to defuse an angry situation is to recess the meeting for a period of time – giving everyone in the room an opportunity to cool off a bit. A smart mayor, like a smart coach, looks for warning signs that the council is not playing well together. Calling a time out at these critical times is a good way to avoid ineffective meetings.

The length of the time out should be defined. It can be as short as five minutes – or as long as several days (“Let’s recess the meeting until next Tuesday when everyone has had a chance to simmer down a little.”)

In some cities, the mayor makes a point of regularly calling a time out at least once every 60 minutes or so. Even if the meeting is running smoothly, it is a good idea to break occasionally.

2. Call for Adjournment.

There is rarely much good that comes out of a long, contentious city council meeting. Decisions made when people are tired and eager to go home are not likely to be very good ones. To avoid the problems associated with late night meetings, it is advisable to call for an adjournment, with the board agreeing to re-convene at a more convenient time in the future.

Most city council meetings in Tennessee tend to start between 6:00pm and 7:00pm – after the council has already spent a day working at their “day jobs.” As a consequence, when council members show up for meetings, they are already tired. A three or four hour meeting at this point is less likely to be an effective one than one that lasts, say, 60 to 90 minutes.

In 16 years working for city government, I cannot recall a single decision made by a city council after 10:00pm that was a very good one, or a very happy one. The smartest

mayors I worked for knew when to get the players “off the field” before the situation deteriorated.

### 3. Don't Overload the Agenda

Many small Tennessee cities hold a monthly board meeting. Trying to compress a month's worth of city business into a single meeting can be difficult – resulting in long meetings with too many items on the agenda. An overloaded agenda, aside from serving to lengthen city council meetings, will also serve to decrease council effectiveness.

In preparing the agenda, the mayor (or whoever is responsible for development of the agenda) should carefully analyze the number and complexity of the items to be discussed at the council meeting. Care should be taken to pare the agenda down to a few manageable items.

An antidote to overloaded agendas is, of course, to simply hold an additional city council meeting every month. Councils may be substantially more effective during two, short city council meetings than at one long one.

### 4. Ejection from the Game.

The mayor must assure that no one is ever allowed to disrupt a council meeting. Usually, a warning from the mayor is sufficient to quiet an unruly council member or citizen during a meeting. When it is not, however, the mayor must be prepared to take more direct action.

“I must warn you that if you have one more outburst like that, I will have the Sergeant-at-Arms remove you from the meeting.” The mayor must never resort to this threat lightly, but there are times when there is no other alternative. If the warning goes unheeded, the mayor should direct the Sergeant-at-Arms to remove the unruly participant.

It is probably best to recess the meeting while the Sergeant-at-Arms performs this duty.

### 5. Humor

A funny, well-timed remark has defused countless city council meetings and saved them from boiling over into chaos and acrimony. Council meetings are serious business – but they should also be fun. When things get tense, it never hurts to laugh.

## **The Agenda**

The writing and timely distribution of a clearly worded agenda is crucial to effective city council meetings.

### What is an Agenda?

Simply stated, the agenda is a list of matters to be discussed and acted upon at city council meetings. Cities develop meeting agendas in order to give elected officials, the public and the news media fair notice of their intent to act on certain matters. A good agenda not only lists the items scheduled to be discussed at council meetings, but includes a brief statement describing each important item.

Generally speaking, city councils are not allowed to deliberate on issues which are not included in the meeting agenda. The key word here is “deliberate” – which means to consider or debate a municipal issue.

### Example of a Bad Agenda

#### AGENDA

1. Call to Order
2. Minutes
3. Citizen’s Input
4. Financial Matters
5. Old Business
  - a. Fire Truck
  - b. Street Repairs
6. New Business
  - a. Weeds
  - b. Columbus Day
7. Council Reports
8. Adjournment

### ***Why is this bad?***

Example of a Good Agenda

AGENDA  
BOARD OF MAYOR AND ALDERMEN  
CITY OF QUAGMIRE, TENNESSEE  
MONDAY, SEPTEMBER 8, 2003  
7:00 PM  
QUAGMIRE CITY HALL  
1320 SOUTH COLUMBUS STREET, QUAGMIRE, TN

- a. Call to Order
- b. Roll Call
- c. Pledge of Allegiance – led tonight by Alderman Johnson
- d. Mayor’s Welcome
- e. Approval of minutes from August meeting.
- f. Citizen’s Input – Any citizen shall be given up to 3 minutes to address the mayor and Aldermen on any issue. When the mayor asks, please raise your hand if you wish to speak.
- g. Financial Matters
  - 1. Treasurer’s Report
  - 2. Budget Report
  - 3. Payment of Bills
- h. Old Business
  - 1. Fire Truck Proposal – the board will consider the final approval of the specifications for the new fire truck and authorize the City Recorder to seek bids from qualified firms.
  - 2. Street Repairs – The board will select streets for inclusion in the 5-year plan for repairing and upgrading arterial streets in Quagmire.
- i. New Business
  - 1. Weed Nuisance Abatements – the City Manager will deliver a report concerning ways to improve the abatement of weed nuisances in the city.
  - 2. Columbus Day Parade – the mayor will discuss plans for closing streets for the Columbus Day Parade.
- j. Council Reports
  - 1. Alderman Wilson and Alderman Smith will discuss their attendance at the recent MTAS seminar concerning unemployment compensation.
  - 2. Alderman Peterson will deliver his report concerning the possibility of annexing the Gordon property north of Quagmire.
- k. Any other business
- l. Adjournment

***Why is this agenda good – or, at least, better?***

These two documents describe the agenda for the same council meeting. Yet one is so vague as to be nearly useless in preparing the mayor, aldermen, the press or the public for this meeting. The other, which is only a little longer, gives the reader a general idea of what is going to be discussed.

As a mayor or alderman, which agenda would you like to receive in preparation for your next meeting?

### **Agenda Items Which Bestow Dignity at Council Meetings**

In many ways, a city council meeting is the civic equivalent of Sunday church. Personal conduct at council meetings can be improved by creating a ceremonial atmosphere – one conveying the dignity of doing the public’s business. An effective city council meeting depends upon every attendee recognizing that they are in a solemn place and that the importance of the occasion demands sobriety and respect.

There are three good ways to do this – one is fairly direct and straight-forward, and the others are somewhat more subtle. Let’s begin with the subtle approaches:

#### The Call to Order

This may be the most important item on any city council agenda. The mayor should formally open every meeting in a way that lets everyone in the room know that the meeting is officially underway. Usually, this is accomplished by having the mayor tapping the gavel and making the announcement “the meeting is now called to order.”

In some towns, this is not done. People in the audience can become confused and unable to distinguish between any pre-meeting banter among the council members and the official deliberations of the board.

#### Begin the Meeting with the Pledge of Allegiance

Aside from being a patriotic way to open public meetings, having the audience stand and recite the Pledge is a good way to condition the crowd to the solemnity of the occasion. In reciting the Pledge, the council makes the point that their meeting is not some casual affair without rules or format. To the contrary, the recitation of the Pledge introduces a formality to council meetings and reminds attendees that important business is about to be conducted.

#### The Mayor’s Welcome

Early on the Agenda, the mayor should set the tone for the meeting by reminding all persons in attendance of the rules for the meeting. The mayor’s statement should make everyone feel welcome, but should also serve to remind everyone that serious business is being conducted.

## SAMPLE MAYOR'S WELCOME

*Good evening, ladies and gentlemen, and thank you for coming to the monthly meeting of the Quagmire Board of Mayor and Aldermen. My name is Mayor Ralph Jones and on behalf of the board and the staff, I want to welcome you here tonight. Tennessee law gives every Tennessean the right to attend city board meetings and to observe how their government is doing business. We appreciate that each of you has taken time from your own personal schedules to be here tonight to see how our city government works.*

*You should have been given a copy of tonight's agenda at the door when you came in tonight. If you do not have a copy of the agenda, you may get one at the table in the rear of this room. The agenda is your guide to the topics we are going to discuss tonight.*

*In order to conduct efficient, business-like meetings, the board has adopted rules for how their meetings will be conducted. Primarily, these rules are designed to keep the meeting moving, assure that all points of view are heard and considered, and to provide for common courtesy. In a few minutes, we will come to that place on the agenda entitled "Citizen's Input." During this time, anyone wishing to address the board may do so for up to three minutes, although we ask that you wait until you have been recognized by the mayor to do so. After being recognized by the mayor, you must go to the podium on the left side of the room to speak to the board. We ask that you observe three simple rules when addressing the board:*

- a. At the beginning of your presentation, please tell us your name and your address.*
- b. Please address all of your questions to the mayor. Do not ask questions of the Aldermen or staff. If necessary, the mayor will ask an alderman or staff member to address your question or comments.*
- c. Please avoid the use of improper language, profanity, or other inappropriate conduct.*

*Once the Citizen's Input portion of the meeting is over, the board will proceed with the remainder of this evening's agenda. You are welcome to stay and watch, but after Citizen's Input is over, you are no longer permitted to speak at the meeting.*

*We ask that everyone remember that we are doing the people's business here tonight – a very important responsibility for us all. Please help us do this business by observing the rules we have established for our meetings.*

*Again, welcome to the Quagmire City Board meeting. We're glad that you're here tonight.*

*This can be read in less than a minute. It establishes the mayor's authority to run the meeting and sets easily understood ground rules for all participants.*

## **Attachments to the Agenda – The Council Package Improves the Flow of Information**

It is extremely rare that city officials will ever vote in favor of a proposal about which they have no information. Similarly, council members are not likely to be agreeable at city council meetings when they have not been provided adequate information about the agenda items. Depending upon a city's charter and form of government, it is the responsibility of the city manager, the mayor or the city recorder to see that each agenda given to the city council is accompanied by a report which provides detailed information about the items on the agenda.

The report need not be excessively long. But it should briefly discuss each significant item on the agenda, especially if the item involves expenditures of money, hiring (or termination) of personnel, and changes in city policy. In smaller cities, this report could usually be prepared in two pages or less and would be accompanied by such other documents as:

- a. The monthly budget or financial report
- b. The monthly police report
- c. The monthly utility operations report
- d. The minutes from the previous meeting
- e. The list of bills needing council approval
- f. Copies of bid specifications, bid results, etc.
- g. Copies of proposed ordinances and resolutions
- h. Copies of significant correspondence

The primary goal is to avoid the possibility of surprise at city council meetings. **SURPRISES AT CITY COUNCIL MEETINGS NEARLY ALWAYS REDUCE EFFICIENCY. WORSE, SURPRISES OFTEN RESULT IN ARGUMENTS AND POOR DECISIONS.** When councils receive their agendas and reports a few days in advance of their meeting, they have a chance to inform themselves about the issues involved and to form opinions. A council member who is surprised at a meeting will invariably feel pressured – never a good thing.

## **How a Consent Agenda Can Improve Efficiency**

Some cities include a “consent agenda” in their meeting agenda – usually a group of routine “housekeeping” matters that can be quickly approved without discussion or debate. Typically, the items included on a consent agenda are matters which have been reviewed and approved by various committees or during a work session and which are non-controversial.

The matters included on the consent agenda are still itemized – listed on the agenda as topics for discussion. And any council member can ask to remove an item from the consent agenda so that it can be discussed in detail. Otherwise, however, the mayor will ask for a vote to approve the items on the consent agenda – allowing the council to vote on these matters all at once and without further debate or discussion.

It should be pointed out, however, that the success of a consent agenda depends largely on the trust that exists between the full council and the committee placing the item on the consent

agenda. Obviously, in those cities where a committee system or work session is not in use, a consent agenda is not recommended.

### **Unnecessary Roughness**

What is the penalty for unnecessary roughness and roughing the passer? 15 yards. What is the impact of this? If you're at second and ten, your job just got two and a half times more difficult. Here are some suggestions to increase civility and decrease penalties.

Let's start with the uniform. In college football, there is a five-yard penalty if a player's uniform is untucked while the player is on the field. Appearance counts. A professional appearance elicits a professional attitude. Opt for the tie over the t-shirt. Your colleagues will respect you as will the general public. You want to establish yourself as an authority figure, and apart from the crowd. Remember the saying, perception is reality. If you look the part, you are the part.

Now let's talk about titles. In sports, the leader's title is "coach." A player would never disrespect the coach by referring to him or her by his or her first name. The same should hold true for local government. Use appropriate titles. If you have adopted Robert's Rules, you are required to. "I would like to second Alderman Smith's motion" or "Mr. Mayor, would you please allow City Manager Jones to comment on this issue?"

Okay, the council looks the part, is speaking the part, so now it needs to act the part. This means conducting itself in a civil manner. This doesn't mean passing out copies of Emily Post and expecting everyone to become Miss Manners. However, it does mean disagreeing without yelling, not interrupting, not using profanity, not shooting dirty looks, not holding a grudge from some previous event (personal or professional), not threatening to withhold future assistance, and not asking "do you want a piece of me" or "do you want to take this outside?" It also means maintaining decorum when others lose theirs, allowing the public to comment only when it is their turn, not having separate conversations or "sub groups" while someone else is talking, and speaking only when it is your turn.

### **Practice and Preparation – 7 Ways the Council Can Prepare for the Big Game**

Just as a football team spends many hours on the practice field before the big game, city councils in Tennessee are allowed to hold practice sessions before their council meetings. The only difference being that the Tennessee Titans don't have to put up an agenda before the practice and allow the general public to watch. Still, it is a good idea for city councils to spend some time on the practice field before going to the big game.

#### **1. Study Sessions.**

Study sessions (sometimes called "work sessions") are meetings convened for the sole purpose of reviewing the agenda for an upcoming city council meeting. The meetings are usually informal – and it is generally agreed that no votes will be taken at study sessions other than to open and close the meeting. Similarly, the council should avoid debate at study sessions.

During the study session, the mayor and/or city staff should provide in-depth explanations of the items on the upcoming agenda, giving council members time to ask questions, request additional information, etc. A study session is usually held a few days prior to the “regular session” council meeting, which gives council members time to reflect on the data they gathered during the study session.

The advantages of the study session are immediately obvious: elected officials get an opportunity to receive a full briefing on agenda items well in advance of the time they are asked to cast a vote on them. This relieves the council of having to make “on-the-spot” decisions for which they have had little or no preparation.

## 2. Committees.

Many city councils have found it convenient to create committees to investigate specific issues in their communities. Under such a system, the Police Committee would be assigned to deliver a report on all agenda items having an impact on the Police Department, and matters affecting the city park are referred to the Park Committee, and so on. Each committee usually consists of two or three council members who become experts in their fields.

Before decisions are made at council meetings, the mayor gives the committee members an opportunity to deliver a report and make a recommendation to the full council as to the course of action the city should take. Other council members who are not on the committee are permitted to ask questions and, of course, need not vote to accept the committee’s recommendations.

The advantage of the committee system is that it takes pressure off the entire city council to become experts about every aspect of city business. Instead, they can rely on the expertise of their colleagues when deciding an issue.

Committees are subject to the open meeting law. They must provide public notice of their meetings and permit the public and news media to attend.

## 3. Reading the Information Packet: Practicing on Your Own.

Municipal officials should feel obligated to read and reflect upon the information packet that accompanies their meeting agendas. In football terms, this is akin to reading the scouting report on next week’s opponent and it is an essential part of the preparation for each game.

You can always spot a council member who has studied his or her information package. He or she has written notes in the margins, circled or highlighted certain passages, and has a list of questions he or she wants to ask about the content. Conversely, it is easy to identify those council members who have not read their information packages. One obvious sign? A councilman who breaks the seal and opens his package at the council table, five minutes before the start of the meeting. This is a hint to everyone in the room that this council member is not ready to take the field.

#### 4. Talk to the Staff.

It is a good idea for mayors and aldermen to stay in close contact with the city staff – a weekly or bi-weekly meeting with the city manager, city recorder, or others on the staff designated to brief the city council on municipal matters. A few days prior to the council meeting, after you've read the agenda and information package, it is advisable to call the staff to ask questions and seek additional insight and information.

#### 5. Continuing Education.

Athletes often participate in off-season programs designed to keep their skills sharp. City officials also need this kind of training. The fact that you are here today indicates that you understand this important aspect of being an elected official.

MTAS, TAMCAR, ICMA, TML, NLC and other professional organizations regularly hold training seminars for municipal officials – often at low or no cost. Many of these seminars deal with group dynamics and other topics which will help elected officials to hold effective city council meetings.

#### 6. Get Public Feedback.

Especially before initiating major changes in city government, it is often advisable to seek public input and advice. This can be done formally by means of a survey sent to randomly selected residents in the community. On an informal basis, elected officials should seek advice and counsel from people in the community whose views and opinions they value – “sounding boards” and the like.

#### 7. Strategic Planning.

A periodic review of the city's comprehensive plan or strategic plan can be invaluable in the preparation for a council meeting. These plans articulate a long range vision for the city – a vision that often becomes hidden or disregarded when deliberating the routine, day-to-day items on the council agenda. A good decision at council meetings maintains consistency with the long range plan for the town.

## Postgame

Sportsmanlike conduct after the meeting is just as important as it is during the meeting. This is true for all participants in local government. During the meeting, it is acceptable to voice a disagreement, however, after the roll call vote has been taken, it is time to be a team player and support the outcome. How often do you hear a professional ball player say: “We lost that game because the quarterback refused to pass the ball to me?” or “We’re having a losing season because everybody is more interested in beefing up his stats than focusing on what’s best for this ball club?” You just don’t hear derogatory comments from the pros. Once the time clock runs out (the last agenda item is heard), it is time to look forward, possibly review the tapes (minutes or tape of the meeting), figure out what you as a team member can do better, attend the next practice (committee meeting) with a positive attitude, and prepare for the next challenge and opportunity.

Keys to remember are supporting the ultimate decision and supporting your teammates. Remember that due to quorum requirements, nothing can happen except as a team. Once the vote has been made, whether you agree or not, your job is to make sure that it works, and that it works well. Consistently bad-mouthing the decision or saying “I didn’t vote for that” simply impedes forward progress – remember the unnecessary roughness penalty?

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“Vince Lombardi, when asked what made a winning team, replied, ‘Start with the fundamentals. A player’s got to know the basics of the game and how to play his [her] position. The players have to play as a team, not a bunch of individuals. The difference between mediocrity and greatness is the feeling the players have for each other.’”

# Appendices

Three of the items listed in the Appendix are copyrighted articles and are available from the MTAS Library.

Appendix iii.

Thurmond, James. "The Council-Manager Relationship: What Works." Public Management, Vol. 84, no. 8 (September 2002) p. 18-24.

Appendix v.

Neu, Carl H., Jr. "10 Habits of Highly-Effective Councils." Public Management, Vol. 79, no. 11 (November 1997) p. 4-9.

Appendix vi.

"Civility in Civil Hall." Western City, Vol. 79, no. 8 (August 2003). 32-33, 35-37, 46.

October 27, 2003

The Honorable John Smith, Mayor  
City of Quagmire  
100 Main Street  
Quagmire, Tennessee 35555

Re: (1) Response to Alderman Doe's Request for Information  
(2) Two articles concerning City Council procedures

Dear Mayor Smith:

Attached you will please find a photocopy of a letter I mailed this morning to Alderman John Doe. He had written me last month requesting opinions on a variety of matters relating to municipal government – the attached letter indicates my responses.

I am also attaching two articles that were published recently in *Michigan Municipal Review* which I thought you would like to read. Both articles deal with council procedures and maintaining civility at meetings. They contain some excellent ideas for seeing that council meetings are productive and relatively free of personal attacks.

One of the articles, "Civility in Local Government: The Civil Society," suggests that city councils should seek to create an atmosphere of respect ("the trappings of a meeting") which would discourage uncivil or confrontational behavior from occurring. The author makes the point that a formalized process, in a formal setting, helps people maintain respect for one another.

Perhaps you are already doing some of these things, but I'll list a few procedures that I think help to assure that Board meetings are dignified and respectful.

1. At the start of the meeting, have the Board and audience stand and recite the Pledge of Allegiance. Rotate the duty of leading the Pledge among your Board members, or ask that it be lead by a boy scout or girl scout.
2. After the Roll Call and Pledge of Allegiance, the Mayor should make some remarks in which the rules of procedure are briefly discussed. Primarily, this is for the benefit of persons in the audience who may not know how the Board

conducts its business - but it also reminds every Board member of what the procedures are, too. I knew a Mayor once who read from a prepared statement at the beginning of each meeting, a short statement highlighting the town's rules of procedure. I would be happy to draft such a statement for you, if you prefer.

3. Every Board member should be addressed as Mayor \_\_\_\_\_ or Alderman \_\_\_\_\_. Similarly, members of the audience, when they are permitted to speak, should be asked to use this form of address. And it is a good idea if the Board addresses members of the audience as Mr., Mrs., or Miss.
4. A dress code for the Board members should be adopted. Nothing too formal, but one that encourages members to wear clean, presentable clothes – and which discourages t-shirts, shorts, sandals, etc. This point is crucial. How we dress affects our behavior.
5. The Board members should be encouraged to sit up straight in their chairs – and not allow themselves to tip their chairs backwards or (and I have seen this happen) put their feet on the table.
6. I worked for a Mayor once that asked all men on the council and in the audience to remove their ball caps during council meetings. He would sometimes stop the meeting and wait for the men to do this. This was a good idea. It reinforced the idea that a city council meeting was something special – a place where good manners were required.
7. The use of profanity or obscenities at a Board meeting should be strongly discouraged. It is acceptable for the Mayor to temporarily stop a meeting to correct and warn anyone who uses such language.
8. The Board should recognize special achievements and accomplishments in the community by passing congratulatory resolutions early in the meeting. If the town's Little League ball team wins a championship, for example, invite the team to a Board meeting and pass a resolution or mayoral proclamation honoring them. There are probably dozens of people in Quagmire who get some sort of award every year – the Board should be quick to praise these things. And these sorts of resolutions will always be unanimous – something everyone can vote Yes to. If this could be done at every meeting, that would be great.
9. Take rest breaks during long meetings. About once every hour, announce a five minute recess and allow people to stretch a bit. If debate on an issue starts to get heated, announce a rest break.

The Honorable John Smith, Mayor  
October 27, 2003  
Page 3

10. Make sure the temperature in the room is comfortable. Particularly in the summer time, a hot room will not promote a cordial meeting. Also, the Board's chairs should be comfortable.
11. The Board room should be clean, neatly painted, well-lighted, etc.
12. Make sure that there are no noisy machines or other loud devices operating in the room during the Board meeting. Members should not have to shout in order to be heard – and shouting is often misinterpreted as a sign of anger or criticism.
13. Pass an ordinance setting a time limit for each meeting. Very rarely does anything good come out of a late night Board meeting. Long meetings tend to invite short tempers and other personality problems. It is always permissible to adjourn a meeting until another date.
14. Have some refreshments available for the Board members and the audience. Nothing elaborate, but coffee, soft drinks and cookies wouldn't have to cost a lot of money and this may help keep people from getting out of line.
15. Finally, never permit a Board member or someone from the audience to call somebody's idea "dumb," "stupid," or "crooked." When that happens, the Mayor needs to gavel the meeting to order and ask that these sorts of disparaging remarks cease. It is acceptable to disagree with anyone's ideas at a Board meeting, but it should never be permitted to attack someone's intelligence or honesty.

Please feel free to call me, John, if you'd like to visit about these things.

Sincerely,

**THE MUNICIPAL TECHNICAL ADVISORY SERVICE**

David Angerer  
Municipal Management Consultant

# CITY OF PALO ALTO

## PROPOSED COUNCIL PROTOCOLS

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### All Council Members

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes. No Council Member has more power than any other Council Member, and all should be treated with equal respect.

All Council Members should:

- Demonstrate honesty and integrity in every action and statement
  - Serve as a model of leadership and civility to the community
  - Inspire public confidence in Palo Alto government
  - Work for the common good, not personal interest
  - Prepare in advance of Council meetings and be familiar with issues on the agenda
  - Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others
  - Participate in scheduled activities to increase Council effectiveness
  - Review Council procedures, such as these Council Protocols, at least annually
  - Represent the City at ceremonial functions at the request of the Mayor
  - Be responsible for the highest standards of respect, civility and honesty in ensuring the effective maintenance of intergovernmental relations
  - Respect the proper roles of elected officials and City staff in ensuring open and effective government
  - Provide contact information to the City Clerk in case an emergency or urgent situation arises while the Council Member is out of town
-

# Council Conduct with One Another

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to improve the quality of life in the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

## In Public Meetings

- Use formal titles.

The Council should refer to one another formally during Council meetings as Mayor, Vice Mayor or Council Member followed by the individual's last name.

- Practice civility and decorum in discussions and debate.

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. Be respectful of diverse opinions.

- Honor the role of the presiding officer in maintaining order and equity.

Respect the Chair's efforts to focus discussion on current agenda items. Objections to the Chair's actions should be voiced politely and with reason, following the parliamentary procedures outlined in the City Council Procedural Rules.

- Demonstrate effective problem-solving approaches.

Council Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. Council Members are role models for residents, business people and other stakeholders involved in public debate.

- Be respectful of other people's time.

Stay focused and act efficiently during public meetings.

## In Private Encounters

- Treat others as you would like to be treated.

Ask yourself how you would like to be treated in similar circumstances, and then treat the other person that way.

## Council Conduct with City Staff

The key provisions on Council-staff relations found in section 2.04.170 of the Palo Alto Municipal Code:

*“Neither the council nor any of its committees or members shall direct, request or attempt to influence, either directly or indirectly, the appointment of any person to office or employment by the city manager or in any manner interfere with the city manager or prevent the city manager from exercising individual judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately.”*

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, which analyze problems and issues, make recommendations, and implement and administer the Council’s policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- Treat all staff as professionals.

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with your Council colleagues, practice civility and decorum in all interactions with City staff.

- Channel communications through the appropriate senior City staff.

Questions of City staff should be directed only to the City Manager, Assistant City Manager, City Attorney, City Clerk, Assistant City Clerk, City Auditor, Senior Assistant City Attorneys, or Department Heads. The Office of the City Manager should be copied on any request to Department Heads. Council Members should not set up meetings with department staff directly, but work through Department Heads, who will attend any meetings with Council Members. When in doubt about what staff contact is appropriate, Council Members should ask the City Manager for direction. However, nothing in these protocols is intended to hinder the access Council-appointed liaisons (e.g. to the San Francisquito JPA or NCPA) may require in order to fulfill their unique responsibilities.

- All Council Members should have the same information with which to make decisions. (This has been referred to the Policy and Services Committee for further discussion).

- Never publicly criticize an individual employee, including Council-Appointed Officers. Criticism is differentiated from questioning facts or the opinion of staff.

All critical comments about staff performance should only be made to the City Manager through private correspondence or conversation. Comments about staff in the office of the City Attorney, City Auditor or City Clerk should be made directly to these CAOs through private correspondence or conversation-

- Do not get involved in administrative functions.

Avoid any staff interactions that may be construed as trying to shape staff recommendations. Council Members shall refrain from coercing staff in making recommendations to the Council as a whole.

- Be cautious in representing City positions on issues.

Before sending correspondence related to a legislative position, check with City staff to see if a position has already been determined. When corresponding with representatives of other governments or constituents, remember to indicate if appropriate that the views you state are your own and may not represent those of the full Council.

- Do not attend staff meetings unless requested by staff.

Even if the Council Member does not say anything, the Council Member's presence may imply support, show partiality, intimidate staff, or hampers staff's ability to do its job objectively.

- Respect the "one hour" rule for staff work.

Requests for staff support should be made to the appropriate senior staff member, according to the protocol for channeling communications. Any request, which would require more than one hour of staff time to research a problem or prepare a response, will need to be approved by the full council to ensure that staff resources are allocated in accordance with overall council priorities. Once notified that a request for information or staff support would require more than one hour, the Council Member may request that the City Manager place the request on an upcoming Council agenda.

- Depend upon the staff to respond to citizen concerns and complaints.

It is the role of Council Members to pass on concerns and complaints on behalf of their constituents. It is not, however, appropriate to pressure staff to solve a problem in a particular way. Refer citizen complaints to the appropriate senior staff member, according to the protocol on channeling communications. The senior staff member should respond according to the Policy and Procedure for

Responding to Customer Complaints. Senior staff is responsible for making sure the Council Member knows how the complaint was resolved.

- Do not solicit political support from staff.

The City Charter states that “Neither the city manager or any other person in the employ of the city shall take part in securing or shall contribute any money toward the nomination or election of any candidate for a municipal office.” In addition, some professionals (e.g., City Manager and the Assistant City Manager) have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.

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## Council Conduct With Boards and Commissions

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City’s leadership and should be treated with appreciation and respect. Council Members serve as liaisons to Boards and Commissions, according to appointments made by the Mayor, and in this role are expected to represent the full Council in providing guidance to the Board or Commission. In other instances, Council Members may attend Board or Commission meetings as individuals, and should follow these protocols:

- If attending a Board or Commission meeting, identify your comments as personal views or opinions.

Council Members may attend any Board or Commission meeting, which are always open to any member of the public. Any public comments by a Council Member at a Board or Commission meeting, when that Council Member is not the liaison to the Board or Commission, should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

- Limit contact with Board and Commission members to questions of clarification.

It is inappropriate for a Council Member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer, or to advocate a particular policy perspective. It is acceptable for Council Members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

- Remember that Boards and Commissions are advisory to the Council as a whole, not individual Council Members.

The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. Council Members should not feel they have the power or right to threaten Board and Commission members in any way if they disagree about an issue. A Board or Commission appointment should not be used as a political "reward."

- Concerns about an individual Board or Commission member should be pursued with tact.

If a Council Member has a concern with the effectiveness of a particular Board or Commission member and is comfortable in talking with that individual privately, the Council Member should do so. Alternatively, or if the problem is not resolved, the Council Member should consult with the Mayor, who can bring the issue to the Council as appropriate.

- Be respectful of diverse opinions.

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair to and respectful of all citizens serving on Boards and Commissions.

- Keep political support away from public forums.

Board and Commission members may offer political support to a Council Member, but not in a public forum while conducting official duties. Conversely, Council Members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Council Member.

- Maintain an active liaison relationship.

Appointed Council liaisons are encouraged to attend all regularly scheduled meetings of their assigned Board or Commission, or to arrange for an alternate.

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## Staff Conduct with City Council

- Respond to Council questions as fully and as expeditiously as is practical.

The protocol for staff time devoted to research and response is in application here. If a Council Member forwards a complaint or service request to a department head or a Council Appointed Officer, there will be follow-through with the Council Member as to the outcome.

- Respect the role of Council Members as policy makers for the City  
Staff is expected to provide its best professional recommendations on issues. Staff should not try to determine Council support for particular positions or recommendations in order to craft recommendations. The Council must be able to depend upon the staff to make independent recommendations. Staff should provide information about alternatives to staff recommendations as appropriate, as well as pros and cons for staff recommendations and alternatives
  - Demonstrate professionalism and non-partisanship in all interactions with the community and in public meetings
  - It is important for the staff to demonstrate respect for the Council at all times. All Council Members should be treated equally.
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## ELECTRONIC MAIL COMMUNICATIONS

As society evolves in an increasingly electronic world, we need to have a reliable system to record and make public all e mail communications and responses to and from Council Members. Staff commits to working to create and implement such a system.

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## OTHER PROCEDURAL ISSUES

- Commit to annual review of important procedural issues.

At the beginning of each legislative year, the Council will hold a special meeting to review the Council protocols, adopted procedures for meetings, the Brown Act, conflict of interest, and other important procedural issues.

- Don't politicize procedural issues (e.g. minutes approval or agenda order) for strategic purposes.
- Submit questions on Council agenda items ahead of the meeting.

In order to focus the Council meetings on consideration of policy issues and to maintain an open forum for public discussion, questions which focus on the policy aspects of agenda items should be discussed at the Council meeting rather than in one-on-one communications with staff prior to the meetings. Any clarifications or technical questions that can be readily answered can be handled before the

meeting. Council Members are encouraged to submit their questions on agenda items to the appropriate Council Appointed Officer or Assistant City Manager as far in advance of the meeting as possible so that staff can be prepared to respond at the Council meeting.

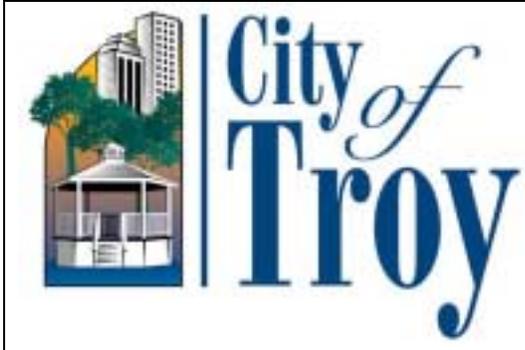
- Respect the work of the Council standing committees.

The purpose of the Council standing committees is to provide focused, in-depth discussion of issues. Council should respect the work of the committees and re-commit to its policy of keeping unanimous votes of the committees on the consent calendar.

- The Mayor and Vice Mayor should work with staff to plan the Council meetings.

There are three purposes to the pre-Council planning meeting: 1) to plan how the meeting will be conducted; 2) to identify any issues or questions that may need greater staff preparation for the meeting; and 3) to discuss future meetings. The purpose of the meeting is not to work on policy issues. Normally, only the Mayor and Vice Mayor are expected to attend the pre-Council meetings with the City Manager and other CAOs.

***Note: Enforcement of these protocols will be the focus of continued Council discussion.***



**RULES OF PROCEDURE FOR THE  
CITY COUNCIL  
CITY OF TROY, MICHIGAN**

**Adopted May 13, 2002**

|     |  |   |
|-----|--|---|
| 1.  | APPOINTMENT OF MAYOR PRO TEM .....                         | 2 |
| 2.  | DESIGNATION OF ACTING MAYOR .....                          | 2 |
| 3.  | REGULAR MEETINGS.....                                      | 2 |
| 4.  | AGENDA.....  | 2 |
| 5.  | ORDER OF BUSINESS.....                                     | 2 |
| 6.  | REGULAR BUSINESS .....                                     | 2 |
| 7.  | STUDY SESSIONS .....                                       | 3 |
| 8.  | CABLE CASTING OF CITY COUNCIL MEETINGS .....               | 3 |
| 9.  | MINUTES.....   | 3 |
| 10. | PROCLAMATIONS.....   | 3 |
| 11. | RECONSIDERATION OF QUESTIONS.....                          | 4 |
| 12. | PUBLIC HEARING .....                                       | 4 |
| 13. | CONSENT AGENDA .....                                       | 4 |
| 14. | APPOINTMENTS .....   | 4 |
| 15. | VISITORS.....  | 5 |
| 16. | POSTPONE.....  | 6 |
| 17. | RULES OF ORDER.....  | 6 |
| 18. | MISCELLANEOUS EXPENSES.....                                | 6 |
| 19. | EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS.....        | 6 |
| 20. | ABSENCES AT COUNCIL MEETINGS.....                          | 6 |
| 21. | SUSPEND RULES .....  | 7 |
| 22. | CONTINUED AGENDA ITEMS NOT CONSIDERED BEFORE 11:00 PM..... | 7 |
| 23. | COUNCIL DISCUSSION .....                                   | 7 |
| 24. | AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS:.....            | 7 |
| 25. | VIOLATIONS .....   | 7 |

**1. APPOINTMENT OF MAYOR PRO TEM**

The selection of Mayor Pro Tem shall proceed in a linear fashion based on seat rotation in the following order: Howrylak, Pallotta, Lambert, Beltramini, Eisenbacher, Broomfield.

**2. DESIGNATION OF ACTING MAYOR**

In the absence or disability of the Mayor and the Mayor Pro Tem, the Council Member present who has served longest shall be designated Acting Mayor and shall perform the duties of the Mayor.

**3. REGULAR MEETINGS**

Regular meetings shall be held in the Council Chambers at 7:30 P.M on the first and third Monday each month, except for holidays or holiday-eves recognized by the City of Troy, regular or special election days, except school district elections, or unless canceled by resolution of the Council.

**4. AGENDA**

A printed agenda for each regularly scheduled meeting shall be produced at least forty-eight (48) hours in advance of the meeting. Every item of business to come before the Council shall be filed with the City Clerk by noon on the Wednesday preceding the Monday on which the Council meets. It shall be the duty of the City Clerk to have delivered, as soon as practical, to each member of the Council a complete agenda of the items to be considered at the following meeting. Each item on the agenda shall have sufficient explanation to indicate its intent. All questions introduced that do not appear on the agenda will be referred to a later meeting, except by suspension of these rules. A packet, excluding all confidential items will be posted on the City's Website at least 48 hours prior to Council meetings.

**5. ORDER OF BUSINESS**

At each regular meeting of the Council, the business to be considered shall be taken up for consideration and disposition in the following order.

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Certificates of Appreciation
6. Carryover Items
7. Public Hearings
8. Postponed Items
9. Consent Agenda
10. Public Comment
  - A. Council will suspend the Rules of Procedure to move forward all of the

items on which members of the audience would like to address

B. Items not on the Agenda

11. Regular Business  
Address remaining F items
12. Council Referrals  
Action items brought forward by mayor and council
13. Council Comment
14. Reports and Communications
15. Public Comment – Limited to people who have not addressed Council during the 1st Public Comment section
16. Adjournment

**6. REGULAR BUSINESS**

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair (during the public comment portion of the agenda item's discussion). Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt members of the public during their comments. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people, their time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 6, 2002. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.

**7. STUDY SESSIONS**

The fourth (4<sup>th</sup>) Monday of each month is reserved for Study Sessions when scheduled at least ten (10) days in advance of the meeting.

**8. CABLE CASTING OF CITY COUNCIL MEETINGS**

All City Council Meetings will be broadcast on WTRY, with the exception of Closed meetings of City Council.

**9. MINUTES**

The minutes will be distributed to the Council prior to their approval. The minutes will be placed on the Consent Agenda for approval.

**10. PROCLAMATIONS**

Proclamations shall be included in the agenda under Reports and Communications and may be brought before Council for consideration by any member. Proclamations will be placed on the Consent Agenda for approval.

**11. RECONSIDERATION OF QUESTIONS**

Reconsideration or Rescinding any vote of the Council shall require the affirmative vote of the majority of the Council Members.

**12. PUBLIC HEARING**

Public Hearings will be held after required notice has been provided. Notices shall inform recipients of possible continuations of hearings. The City Council may upon affirmative vote of a majority of its members "continue" said hearing at a future date designated in the resolution. If the City Council elects to continue the Public Hearing it will appear in the designated meeting Agenda under the topic of "Public Hearings". Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council.

**13. CONSENT AGENDA**

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard.

**14. APPOINTMENTS**

A. Appointments to Boards, Commissions and Committees:

The Mayor shall, with City Council concurrence, appoint members of Boards or Committees as governed by State Statute or local ordinances. Only Mayoral nominations shall be a separate action item, and shall not be combined with the nominations and appointment of all other Board and Committee members.

The Mayor Pro Tem will contact incumbents to determine their interest in being nominated for reappointment.

The Mayor or any Council Member desiring to nominate a person for appointment to a Board, Commission, or Committee shall submit such name, along with a brief summary of background and personal data as to nominee's qualifications, except that such a resume shall not be required for the re-nomination of a current member, or if the Council unanimously agrees that a resume is not necessary. Resumes will be submitted on or before the time of voting.

Nominations will occur during any regular meeting of the Council. A resolution to nominate will be considered during the "Regular Business" of

the agenda. All nominations are subject to Section "B" which appears below.

Nominations will occur during any Regular meeting of the Council. A resolution to nominate will be considered during "Regular Business" of the agenda. A resolution to appoint may be considered at the same time, if there is no objection from a member of Council.

**B. Method of Voting on Nominees.**

1. Where the number of nominees does not exceed the number of positions to be filled, a roll call vote shall be used.
2. Where the number of nominations exceeds the number of positions to be filled, voting shall take place by the City Clerk calling the roll of the Council and each Council Member is to indicate the names of the individuals he/she wishes to fill the vacancies
3. When no candidate receives a majority vote, the candidate(s) with the least number of votes shall be eliminated from the ensuing ballot.
4. No member of the City Council shall serve on any committee, commission or board of the City of Troy, except the Retirement System Board of Trustees, unless membership is required by Statute or the City Charter.
5. Persons nominated, but not appointed during this process will be sent a letter thanking them for their willingness to serve the community.
6. Recognition will be given to persons who have concluded their service to the community on Boards and Commissions.

**15. VISITORS**

Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. Consistent with Order of Business #11, the City Council will move forward the specific Business items, which audience members would like to address under item 10A. The mayor shall announce the items which are to be moved forward and will ask the audience if there are any additional items which they would like to address. All Business Items that members of the audience would like to address will be brought forth and acted upon at this time. Items will be taken individually and members of the audience will address council prior to council discussion of

the individual item.

After council is finished acting on all Business Items that have been brought forward, the public is welcome to address the mayor and council on items that are specifically not on the agenda under item 10B.

**16. POSTPONE**

A motion to postpone may be made for a definite period of time. Items will automatically appear on the appropriate agenda.

**17. RULES OF ORDER**

Robert's Rules of Order, Newly Revised 10<sup>th</sup> Edition, as clarified by the City Clerk, is hereby adopted and made a part hereof, except as modified by these Rules of Procedure, the Charter, and the City Code.

**18. MISCELLANEOUS EXPENSES**

Reasonable and necessary expenses incurred in service on behalf of the City shall be paid the Mayor and Council, provided that at the end of each month a detailed expense report is submitted and approved by the City Council.

**19. EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS**

A. Funds providing for Council representation at State and National conferences sponsored by affiliations of cities will be annually approved in the budget for the subject fiscal year. The City Council will by advance resolution grant authorization for out of town travel to specific places, for conference purposes. Members of the City Council will submit expense vouchers exceeding \$50 per day to attend out-of-town meetings and conferences, with additional allowances being made for transportation (paid at the air coach rate or gas mileage at current IRS guidelines, depending upon the mode of transportation) and lodging. The City Council will by advance resolution grant authorization for out-of-town travel to specific places, for conference purposes. Expenses may be authorized for payment by the City Manager, and a copy of the expense report form will be placed on the Council agenda under Reports and Communications.

B. Detailed and receipted expenses, not to exceed \$150, to attend legislative committee hearings, legislative meetings, etc., may be authorized for payment by the City Manager without prior authorization by the Council, and a copy of the expense report form, along with receipts, will be placed on the Council agenda under Reports and Communications.

**20. ABSENCES AT COUNCIL MEETINGS**

In the event of an absence of a Council Member at a meeting, the City Manager is directed to supply such absent Council Member with information about any special

meetings that may have been scheduled.

**21. SUSPEND RULES**

The Rules of Procedure may be waived by simple majority.

**22. CONTINUED AGENDA ITEMS NOT CONSIDERED BEFORE 11:30 PM**

Any item on the Council agenda that has not been discussed by 11:30 PM. shall be continued to the next regular meeting as a Carryover Item, unless City Council takes action to the contrary.

**23. COUNCIL DISCUSSION**

No member of Council shall speak a second time on any item under discussion until all other members desiring to speak on that item have been heard. No member of Council shall be allowed to speak for more than five (5)-minutes at a time.

**24. AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS:**

Mayor and Council Members submitting an item for a vote shall send the item to the City Manager in a timely manner in writing. Staff professional opinion will be written to accompany the item for discussion and a vote on the matter. Presentations at the Council table shall be limited to 15 minutes. Items requiring more input shall be considered for a Study Session on the 4th Monday of the month as provided in our Rules and Procedures.

**25. VIOLATIONS**

The City Clerk shall be responsible for reporting violations of time limitations or speaking sequence to the Chair.

## **Maintaining Civility at Council Meetings**

**By David N. Grubb  
Council Member  
Village of Ridgewood, New Jersey**

The time is 1:30 in the morning and the Council has just adjourned after another hot meeting filled with personal attacks and endless rehashing of the same arguments. You drive home, knowing you have a long day ahead in the office and wonder what devil possessed you to even think of getting involved in local government. Somehow, there must be a better way to conduct the people's business.

This question has been asked by elected officials back to the origins of "deliberative assemblies" to use the words of Edmond Burke in 1774. The fact that the front benches in Parliament are spaced one foot more than two sword lengths suggests that legislators in the past had to contend with more than just verbal attacks.

Fortunately, most municipal councils are not threatened with physical violence, although verbal attacks can be almost disruptive. Effective local government requires a balancing of many different views and interests which cannot take place in an environment of name calling and verbal abuse. Each year, many municipal leaders, potential candidates, municipal employees, as well as the public are lost to municipal government when they rightly become fed up with the rancor. A truly open style of government which encourages public participation cannot exist in this situation.

Modern concepts of decorum stem from the latter part of the sixteenth century, after a prolonged period of conflict between Parliament and the King. The Journals of the House of Commons during the period codified what we now call Parliamentary Procedure. For example,

in 1604, Parliament established the rule that “He that digresseth from the matter to fall upon the person ought to be suppressed by the speaker...No reviling or nipping words must be used.”

In this country, the first manual in Parliamentary Procedure was written by then Vice President Thomas Jefferson. The definitive manual was authored in 1874 by General Henry M. Robert (1837-1888), a distinguished river and harbor engineer of the Army Corp of Engineers. When then Major Robert was stationed in San Francisco, he became involved in a local organization whose members originally came from many parts of the country, all with slightly different traditions of parliamentary procedures. Major Robert became convinced that a standard manual was needed to prevent long arguments over which of the many different procedures should be used. The latest editions of Robert’s Rules of Order (1990) was written by Henry M. Robert III, the General’s grandson. Almost all municipalities in New Jersey have adopted this manual as their basic meeting procedure.

Maintaining the proper decorum in a council meeting depends on a balance between the need to move the council’s business at a reasonable pace while giving all concerned adequate opportunity to participate in the deliberations. A council must be perceived as being genuinely open to diverse views while at the same time taking a zero tolerance attitude toward disruptive behavior. The key is a structure of procedures which are clearly communicated and consistently followed.

The most basic of these procedures is that a council discusses policy, not personalities. The latest edition of Robert’s Rules of Order states, “A member can condemn the nature or likely consequences of the proposed measure in strong terms, but must avoid personalities, and under no circumstances can attack or question the motives of another member. The measure, not the member, is the subject of debate.” In some parliamentary bodies, even the use of another

person's name is automatically out of order. Robert's is not quite that strict, but provides that "as much as possible, the use of names should be avoided". Therefore, remarks about another individual which can reasonably be considered as negative are out of order. This rule applies equally to elected officials and the public. People can say whatever they want about each other outside the council chamber, but during a council meeting negative personal comments are not permitted.

This rule is not as limiting as it would first appear. Obviously, it is not meant to prohibit discussion of personal matters in closed session. Further, it is perfectly acceptable for a speaker to criticize actions or policies in open discussion so long as the statement does not tie the criticism to an individual. For example, a statement to the effect that, "The Village does an incompetent job repairing streets" is in order, which the statement that "The road superintendent does an incompetent job repairing streets" clearly crosses the line.

The chair (usually the mayor) is in the best position to implement the "no personal attack" rule, but any council member may call the point of order. One particularly effective strategy is to call to order someone from your own party so that there can be no question later on that the rule applies to everyone, and is not being used to gag the opposition. Normally, a simple reminder and the quotation from Robert's Rules is sufficient to stop the negative personal attack. In many cases, personal attacks are a vicious cycle breeding on each other, and everyone is relieved to have the chain broken. However, more formal procedures are required to deal with a persistent description.

Be calm. It is not necessary or advisable to drown out the disorderly speaker with one's voice or gavel. Don't allow yourself to be drawn into a verbal duel. The appropriate

disciplinary motions and votes may be taken even while the disruptive speaker continues to harangue.

Call the offender “to order”. Although the chair usually makes this call, any council member may also call a speaker to order without being recognized by the chair. The call to order must not be by name. For example, “The speaker is called to order” is acceptable, while “Mr. X, you are out of order” is not. The call to order is a formal warning, and any council member may move to appeal the decision of the chair if the warning is inappropriate.

Upon being called to order, the speaker loses the floor. However if the speaker submits to proper order at this point, it is appropriate to ask the council, “Shall the speaker be permitted to continue?” This motion is not debatable.

After several warnings, the chair should “name” the offender, which has the effect of preferring charges and should be worded in the form of an indictment. For example, “Mr. X, the chair has repeatedly directed you to refrain from offensive personal references when speaking at this meeting. Three times the chair has ordered you to be seated, and you have nevertheless attempted to continue speaking.”

After a speaker has been “named”, what happens next depends upon whether the speaker is a member of the public or a council member. Under Robert’s Rules of Order the chair may order that a member of the public be escorted from the chamber. However, the chair has no power to impose a penalty or remove a council member. This authority rests with the entire governing body. After a council member (or the mayor in extreme cases) has been “named”, the appropriate motion is to require the offender to leave the chamber until the individual states a willingness to submit a proper order and apologize.

Fortunately, the need to use these formal procedures is rare, especially where the “no personal attack” rule is applied consistently with an even hand. The productive chemistry of a meeting can be further enhanced by recognizing diversity of views. For example, when you sense that a question will result in a strong difference, preface your comments with “This is an issue where reasonable people can come to different conclusions.”

The risk that a speaker will digress into personalities is substantially greater where there are no limitations on the length of speeches. Robert’s Rules of Order places a 10-minute time limitation on speakers, and many municipalities have established shorter limits. Three-minute or five-minute limitations are common. These limitations have sometimes been attacked as “gag” rules, but in practice, these procedures prevent a small group from monopolizing the discussion.

Another common control is a meeting curfew. Discussion is more likely to stay on point when people know that the meeting automatically ends at say 11:30. The rationale for a curfew can also be based on the fact that meetings which go into the wee hours of the morning effectively disenfranchise the majority of the public who have to work. Further, public officials cannot be expected to make good decisions when they are exhausted. NO good government occurs after 11:30.

But probably the most effective way to foster constructive debate is to encourage public input throughout the decision making process. In most towns, public input is allowed (1) on second and final reading of an ordinance, (2) during a “public comment” session at the end of the formal monthly meeting, and (3) upon invitation to a work session. However, a number of towns have adopted liberalized procedures to counter criticism that the usual rules are too restrictive.

The problem with the traditional “public comment” session at the end of the formal meeting is that someone who wants to talk about something not otherwise on the agenda for

public hearing must sit through the entire agenda. This can appear to be particularly discourteous to a “non-regular” who would prefer to make a point and go home. This can be resolved by adding a limited period for public comment (usually 15 to 30 minutes) at the beginning of the meeting. Incidentally, this usually results in a shorter meeting because people forced to sit until the end will often feel free to comment on ordinances while they are waiting. Some councils even permit a short period of public comment at the beginning of work sessions to further encourage input at the earlier stages of the process. The public is very aware that most decisions are really made at the work sessions, and encouraging public comment at this point helps reverse the perception that the citizens are shut out when it really counts.

State law requires a public hearing at second and final reading of an ordinance. However, by that time the town has already incurred the expense of publishing the ordinance, and any major amendments require a new hearing. There is tremendous pressure on council members to go ahead with the ordinance and the public often comes away from a hearing with the perception that the issue was already decided. This perception can be mitigated by allowing a short period of public comment on first reading and introduction of an ordinance. This occasionally has the further benefit of identifying an overlooked drafting problem which would otherwise sidetrack the ordinance at second reading.

There are more than 2,000 local elected officials in New Jersey, and over time all of us learn ways to survive council meetings. It's not going to become any easier with the increased pressure on municipal tax rates and cable TV coverage of meetings. Every community has its gadflies, but the new breed of “video gadfly” can be very persistent.

There is no more rewarding experience than to participate in a deliberative process where decisions are reached by give and take among people who respect each other's viewpoints, even

if they are very different. This requires the municipal equivalent of a SALT agreement with disarms the heat-seeking missiles. The public has a right to expect that its business will be conducted in an orderly fashion. It is easily one of the ironies of our system that the principal designer of the Galveston Sea Wall has taught elected officials for the last 120 years how to engineer meetings.

## **Municipal Handbook 2002, Chapter 4**

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### **ORDINANCES AND CODES**

“Ordinances” are the legislative enactments of municipal governing bodies. “Codes” are comprehensive ordinances, such as building, plumbing, and electrical regulations. A “code of ordinances” is a compilation (codification) of all city ordinances.

#### **Procedures for Adopting Ordinances**

Charters usually spell out the procedures for adopting ordinances, including the number of “readings” required. If the charter is silent, ordinances need be “read” only once. The general law mayor-aldermanic charter requires two considerations of an ordinance (*T.C.A.* 6-2-102). The general law city manager-commission charter calls for two readings, and a city by ordinance may establish a procedure to read only the caption instead of the entire ordinance (*T.C.A.* 6-20-215). The modified city manager-council charter requires two readings (*T.C.A.* 6-32-202).

#### ***Publication of Ordinances***

Generally, ordinances do not need to be published unless the charter or a specific general law requires otherwise. General law mayor-aldermanic cities have the option of publishing each ordinance or only the caption (*T.C.A.* 6-2-101).

General law city manager-commission cities must publish each penal ordinance or the caption (*T.C.A.* 6-20-218). Publication must be in a city’s general circulation newspaper and is necessary for an ordinance to become effective.

Under the general law modified city manager-council charter, at least an abstract of the essential provisions of each ordinance should be published within 10 days after its adoption (*T.C.A.* 6-32-204).

Notwithstanding charter provisions to the contrary, the city needs to publish only the caption and a summary of a comprehensive zoning ordinance (*T.C.A.* 13-7-203).

#### ***Adoption of Model Codes***

Professional organizations have prepared a number of model codes, such as those for building, plumbing, and electrical, that can be adopted by municipal governing bodies. Such a code may be identified in an ordinance adopting it by reference, which avoids publication. A copy of any code adopted by reference must be filed with the city clerk and be made available for public inspection at least 15 days before the adopting ordinance passes. However, any penalty provisions must be in the adopting ordinance, which must be published in the manner prescribed for ordinances.

If a model code has been adopted, any subsequent amendment must be adopted unless the governing body, by a vote of at least two-thirds of its total membership, elects not to incorporate the amendment (*T.C.A.* 6-54-501 – 505, 507).

*T.C.A.* 6-54-502 (c) contains provisions for administratively adopting amendments to model codes.

Code enforcement is fully discussed in Chapters 17 and 21.

### ***Adoption of Code of Ordinances***

Cities adopt ordinances one at a time. Eventually, this collection of ordinances becomes unwieldy unless it is organized under common categories and indexed. Organizing individual laws into a coherent book of laws is called “codification.”

The procedure for making an effective codification is spelled out in *T.C.A.* 6-54-508 – 509. It includes publishing notice of and holding a public hearing on the proposed code; adopting the new code by ordinance in accordance with charter requirements; publishing notice of adoption of the code; and placing a copy of the code in the city clerk’s office for public inspection. Newspaper publication of the code is specifically not required. However, if the codification contains any new penal provisions, they must be explicitly stated in the published notice for the public hearing.

*T.C.A.* 6-54-510 provides that errors in the original ordinances are cured if corrected in the codification and the new code is adopted by the city council.

**8-44-101. Policy - Construction.**

- (a) The general assembly hereby declares it to be the policy of this state that the formation of public policy and decisions is public business and shall not be conducted in secret.
- (b) This part shall not be construed to limit any of the rights and privileges contained in article I, § 19 of the Constitution of Tennessee.

[Acts 1974, ch. 442, §§ 1, 8; T.C.A., § 8-4401.]

**8-44-102. Open meetings - "Governing body" defined - "Meeting" defined.**

- (a) All meetings of any governing body are declared to be public meetings open to the public at all times, except as provided by the Constitution of Tennessee.
- (b) (1) "Governing body" means:
  - (A) The members of any public body which consists of two (2) or more members, with the authority to make decisions for or recommendations to a public body on policy or administration and also means a community action agency which administers community action programs under the provisions of 42 U.S.C. § 2790 [repealed]. Any governing body so defined by this section shall remain so defined, notwithstanding the fact that such governing body may have designated itself as a negotiation committee for collective bargaining purposes, and strategy sessions of a governing body under such circumstances shall be open to the public at all times;
  - (B) The board of directors of any nonprofit corporation which contracts with a state agency to receive community grant funds in consideration for rendering specified services to the public; provided, that community grant funds comprise at least thirty percent (30%) of the total annual income of such corporation. Except such meetings of the board of directors of such nonprofit corporation that are called solely to discuss matters involving confidential doctor-patient relationships, personnel matters or matters required to be kept confidential by federal or state law or by federal or state regulation shall not be covered under the provisions of this chapter, and no other matter shall be discussed at such meetings;
  - (C) The board of directors of any not-for-profit corporation authorized by the laws of Tennessee to act for the benefit or on behalf of any one (1) or more of counties, cities, towns and local governments pursuant to the provisions of title 7, chapter 54 or 58. The provisions of this subdivision (b)(1)(C) shall not apply to any county with a metropolitan form of government and having a population of four hundred thousand (400,000) or more according to the 1980 federal census or any subsequent federal census;
  - (D) The board of directors of any nonprofit corporation which through contract or otherwise provides a metropolitan form of government having a population in excess of five hundred thousand (500,000) according to the 1990 federal census or any subsequent federal census with heat, steam or incineration of refuse;
  - (E) (i) The board of directors of any association or nonprofit corporation authorized by the laws of Tennessee that:

- (a) Was established for the benefit of local government

- officials or counties, cities, towns or other local governments or as a municipal bond financing pool;
    - (b) Receives dues, service fees or any other income from local government officials or such local governments that constitute at least thirty percent (30%) of its total annual income; and
    - (c) Was authorized as of January 1, 1998, under state law to obtain coverage for its employees in the Tennessee consolidated retirement system.
  - (ii) The provisions of this subdivision (b)(1)(E) shall not be construed to require the disclosure of a trade secret or proprietary information held or used by an association or nonprofit corporation to which this chapter applies. In the event a trade secret or proprietary information is required to be discussed in an open meeting, the association or nonprofit corporation may conduct an executive session to discuss such trade secret or proprietary information; provided, that a notice of the executive session is included in the agenda for such meeting.
  - (iii) As used in this subdivision (b)(1)(E):
    - (a) "Proprietary information" means rating information, plans, or proposals; actuarial information; specifications for specific services provided; and any other similar commercial or financial information used in making or deliberating toward a decision by employees, agents or the board of directors of such association or corporation; and which if known to a person or entity outside the association or corporation would give such person or entity an advantage or an opportunity to gain an advantage over the association or corporation when providing or bidding to provide the same or similar services to local governments; and
    - (b) "Trade secret" means the whole or any portion or phrase of any scientific or technical information, design, process, procedure, formula or improvement which is secret and of value. The trier of fact may infer a trade secret to be secret when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes;
- (2) "Meeting" means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. "Meeting" does not include any on-site inspection of any project or program.
- (c) Nothing in this section shall be construed as to require a chance meeting of two (2) or more members of a public body to be considered a public meeting. No such chance meetings, informal assemblages, or electronic communication shall be used to decide or deliberate public business in circumvention of the spirit or requirements of this part.

[Acts 1974, ch. 442, § 2; 1979, ch. 411, §§ 1, 2; T.C.A., § 8-4402; Acts 1985, ch. 290, § 1, 2; 1986, ch. 594, § 1; 1988, ch. 908, §§ 3, 5; 1997, ch. 346, § 1; 1998, ch. 1102, §§ 1, 3.]

#### **8-44-103. Notice of public meetings.**

- (a) Notice of Regular Meetings. Any such governmental body which holds a meeting previously scheduled by statute, ordinance, or resolution shall give adequate public notice of such meeting.
- (b) Notice of Special Meetings. Any such governmental body which holds a meeting not previously scheduled by statute, ordinance, or resolution, or for which notice is not already provided by law, shall give adequate public notice of such meeting.
- (c) The notice requirements of this part are in addition to, and not in substitution of, any other notice required by law.

[Acts 1974, ch. 442, § 3; T.C.A., § 8-4403.]

#### **8-44-104. Minutes recorded and open to public - Secret votes prohibited.**

- (a) The minutes of a meeting of any such governmental body shall be promptly and fully recorded, shall be open to public inspection, and shall include, but not be limited to, a record of persons present, all motions, proposals and resolutions offered, the results of any votes taken, and a record of individual votes in the event of roll call.
- (b) All votes of any such governmental body shall be by public vote or public ballot or public roll call. No secret votes, or secret ballots, or secret roll calls shall be allowed. As used in this chapter, "public vote" means a vote in which the "aye" faction vocally expresses its will in unison and in which the "nay" faction, subsequently, vocally expresses its will in unison.

[Acts 1974, ch. 442, § 4; T.C.A., § 8-4404; Acts 1980, ch. 800, § 1.]

#### **8-44-105. Action nullified - Exception.**

Any action taken at a meeting in violation of this part shall be void and of no effect; provided, that this nullification of actions taken at such meetings shall not apply to any commitment, otherwise legal, affecting the public debt of the entity concerned.

[Acts 1974, ch. 442, § 5; T.C.A., § 8-4405.]

#### **8-44-106. Enforcement - Jurisdiction.**

- (a) The circuit courts, chancery courts, and other courts which have equity jurisdiction, have jurisdiction to issue injunctions, impose penalties, and otherwise enforce the purposes of this part upon application of any citizen of this state.
- (b) In each suit brought under this part, the court shall file written findings of fact and conclusions of law and final judgments, which shall also be recorded in the minutes of the body involved.
- (c) The court shall permanently enjoin any person adjudged by it in violation of this part from further violation of this part. Each separate occurrence of such meetings not held in accordance with this part constitutes a separate violation.
- (d) The final judgment or decree in each suit shall state that the court retains jurisdiction over the parties and subject matter for a period of one (1) year from date of entry, and the court shall order the defendants to report in writing semiannually to the court of their compliance with this part.

[Acts 1974, ch. 442, § 6; T.C.A., § 8-4406.]

**8-44-107. Board of directors of Performing Arts Center Management Corporation.**

The board of directors of the Tennessee Performing Arts Center Management Corporation shall be subject to, and shall in all respects comply with, all of the provisions made applicable to governing bodies by this chapter.

[Acts 1981, ch. 375, § 1.]

**8-44-108. Participation by electronic or other means.**

- (a) As used in this section, unless the context otherwise requires:
  - (1) "Governing body" refers only to boards, agencies and commissions of state government, including state debt issuers as defined in this section;
  - (2) "Meeting" has the same definition as defined in § 8-44-102;
  - (3) "Necessity" means that the matters to be considered by the governing body at that meeting require timely action by the body, that physical presence by a quorum of the members is not practical within the period of time requiring action, and that participation by a quorum of the members by electronic or other means of communication is necessary; and
  - (4) "State debt issuers" means the Tennessee state funding board, Tennessee local development authority, Tennessee housing development agency, and Tennessee state school bond authority, and any of their committees.
- (b)
  - (1) A governing body may, but is not required to, allow participation by electronic or other means of communication for the benefit of the public and the governing body in connection with any meeting authorized by law; provided, that a physical quorum is present at the location specified in the notice of the meeting as the location of the meeting.
  - (2) If a physical quorum is not present at the location of a meeting of a governing body, then in order for a quorum of members to participate by electronic or other means of communication, the governing body must make a determination that a necessity exists. Such determination, and a recitation of the facts and circumstances on which it was based, must be included in the minutes of the meeting.
  - (3) If a physical quorum is not present at the location of a meeting of a governing body other than a state debt issuer, the governing body other than a state debt issuer must file such determination of necessity, including the recitation of the facts and circumstances on which it was based, with the office of secretary of state no later than two (2) working days after the meeting. The secretary of state shall report, no less than annually, to the general assembly as to the filings of the determinations of necessity.
- (c)
  - (1) Any meeting held pursuant to the terms of this section shall comply with the requirements of the Open Meetings Law, codified in this part, and shall not circumvent the spirit or requirements of that law.
  - (2) Notices required by the Open Meetings Law, or any other notice required by law, shall state that the meeting will be conducted permitting participation by electronic or other means of communication.
  - (3) Each part of a meeting required to be open to the public shall be audible to the

public at the location specified in the notice of the meeting as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting. Any member participating in such fashion shall identify the persons present in the location from which the member is participating.

- (4) Any member of a governing body not physically present at a meeting shall be provided, before the meeting, with any documents that will be discussed at the meeting, with substantially the same content as those documents actually presented.
- (5) All votes taken during a meeting held pursuant to the terms of this section shall be by roll call vote.
- (6) A member participating in a meeting by this means is deemed to be present in person at the meeting for purposes of voting, but not for purposes of determining per diem eligibility. However, a member may be reimbursed expenses of such electronic communication or other means of participation.

[Acts 1990, ch. 815, § 1; 1999, ch. 490, § 1.]

**8-44-201. Labor negotiations between public employee union and state or local government.**

- (a) Notwithstanding any other provision of Tennessee law to the contrary, labor negotiations between representatives of public employee unions or associations and representatives of a state or local governmental entity shall be open to the public, whether or not the negotiations by the state or local governmental entity are under the direction of the legislative, executive or judicial branch of government.
- (b) Nothing contained in this section shall be construed to require that planning or strategy sessions of either the union committee or the governmental entity committee, meeting separately, be open to the public.
- (c) Nothing contained in this section shall be construed to grant recognition rights of any sort.
- (d) Both sides shall decide jointly and announce in advance of any such labor negotiations where such meetings shall be held.

[Acts 1979, ch. 41, § 1; T.C.A., § 8-4421.]