

RESOLUTION NO. 28503

A RESOLUTION REPEALING RESOLUTION NOS. 18697, 18710, 19757, 20026, 20480, 24117, 24977, AND 27969 ESTABLISHING NEW RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Resolution Nos. 18697, 18710, 19757, 20026, 20480, 24117, 24977, and 27969 relative to the Rules of City Council be and hereby are repealed and the following new Rules of Procedure of the City Council be and hereby are established:

RULES OF PROCEDURE
OF THE
CITY COUNCIL OF THE CITY OF CHATTANOOGA

A. Duties of the Chairperson:

1. The Chairperson shall preside at all meetings of the Council.
2. The Chairperson shall have general direction of the Council Chamber and shall preserve order.
3. The Chairperson shall decide questions of order, subject to appeal of the Council by any Member, and shall put each question. The Chairperson shall have a vote on all matters.
4. The Chairperson shall appoint all committees, unless otherwise directed by the Council, and shall have other powers granted to him/her hereunder. The Chairperson shall fix the order of business for any special meeting of the Council.
5. In the event the Chairperson of the Council becomes incapacitated or unavailable, the Vice Chairperson shall serve as Chairperson of the Council. In the event both are unavailable, the Council may elect a chair pro tem.

6. The Chairperson shall be the director of the City Council office. As director, the duties of the Chairperson, or their designee, shall include, but not be limited to, addressing all routine personnel matters such as leave, reimbursements, and purchases. All material personnel matters shall be reserved for the entire Council upon recommendation of the Chair (*e.g. wage / salary increases, suspensions, hiring, demotions, and terminations*). Notwithstanding the foregoing and upon providing the Chair with at least 72 hours written notice, a Council member may raise any material personnel matter for full Council discussion. Additionally, as director, the Chairperson, or his/her designee only, will be in charge of and accountable for the City Council budget. The Chairperson shall develop the budget for the annual budget and recommend such budget for Council approval through consensus or majority vote.
7. The Chairperson shall have the authorization to set forth the rules and procedures for use at the City Council building meeting space.

B. Clerk of the Council; Management Analyst:

The Clerk of the Council and the Management Analyst shall report to the Chairperson.

With the exception of the Management Analyst, the Clerk shall supervise the City Council office staff. Such supervision shall include, but not be limited to, scheduling the workload, assuming the responsibility of office routine, and assisting with the employment and dismissal of Council staff. Members of the Council shall not request personal secretarial work of staff members for other than strictly Council business. Council business shall include Council district related assignments.

C. Order of Business:

1. Call to Order.
2. Pledge of Allegiance/Invocation.
3. Minute Approval.
4. Special Presentations.
5. Ordinances - Final Reading.
6. Ordinances - First Reading.
7. Resolutions.
8. Departmental Reports.
9. Other Business.

10. Committee Reports.
11. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
12. Adjournment.

D. Proceedings in Council Meetings:

1. The Council Members, except the Chairperson, shall be seated alphabetically from right to left, and each Council Member shall address the Chair from his/her appropriate seat, and no Council Member shall be recognized by the Chairperson unless he/she be in his/her proper place. Council Members shall have a regularly assigned seat in the Council Chamber.
2. Every motion, resolution, or ordinance, must be moved by a Council Member and seconded by another Council Member. The fact that any Council Member moves adoption of a resolution or ordinance shall not prevent the Council Member from casting a negative vote on said resolution or ordinance. Upon failure of a second, the Chairperson shall declare the motion failed for lack of a second and the motion shall not be considered further.
3. Unless provided in these Rules, all Council meetings shall be governed by Robert's Rules of Order, which are hereby adopted, except as to matters otherwise governed by Charter, state law, or ordinance.
4. It shall take five (5) "yes" or five (5) "no" votes to adopt or defeat any action. Less than five (5) votes do not constitute any action at all. A roll call vote shall be taken by the Chairperson on all ordinances and on all resolutions involving the annual budget, the issuance of bonds or upon demand of any Member of the Council, even immediately after the vote. A roll call vote shall not be necessary in the case of the utilization of funds already appropriated. All ordinances shall be passed on two (2) readings held on at least two (2) different days; provided, however, that on Final Reading, an ordinance may be postponed by affirmative action of Council from week to week or to a day certain. After the Chairperson has put a question, or after there has been a roll call vote of the Council, the Chairperson shall not entertain a motion until a decision of the Council has been declared by the Chair.
5. Any Council Member may appeal to the Council from any ruling of the Chairperson, and a majority vote of the Council Members present shall decide the appeal.

6. No one other than a Council Member may address the Council, except with the permission of the Chair, provided that the Chairperson's ruling may be appealed to Council in the same manner as any other ruling.
7. In case of any disturbance or disorderly conduct in the Council Chamber, the Chairperson shall have the power to order same to be cleared, or have persons removed.
8. The Council may change the order of business upon majority vote of those present.
9. In the case of public hearings which debate the passage of an ordinance, the Chairperson may set time limitations in advance of the hearings; provided, however, that equal time be afforded to those who support such proposals and those who are in opposition. In the case of group opposition or group support, the Chairperson may limit the number of spokespersons.
10. In the case of initial readings on Zoning Ordinances, the following procedures shall be followed:
 - a) The case shall be presented by a member of the staff of the Office of Planning and Development.
 - b) The applicant shall be granted a seven (7) minutes for oral presentation plus two (2) minutes for rebuttal for a total of nine (9) minutes total.
 - c) Spokespersons for the opposition shall be granted equal time of nine (9) minutes.
 - d) Discussion between Council Members shall not be interrupted by either the applicants or the opponents, nor by any other members of the public present in the Council Chamber. The Chair shall strictly enforce these rules.
11. Persons seeking to speak during the section reserved for Recognition of Persons Wishing to Address the Council on Non-Agenda Matters shall seek recognition at the conclusion of the regular business on the agenda, and the Chair will recognize those persons in the proper order of raising their hands. Recognition of any persons who failed to raise their hands will be discouraged, but final decision shall rest with the Chair.

E. Organization of Council:

1. There shall be the following standing committees which the Chairperson of each committee shall be appointed annually by the Chairperson of the Council:
 - a) Budget and Finance Committee
 - b) Economic and Community Development
 - c) Public Works and Transportation Committee
 - d) Public Safety Committee
 - e) Audit and IT Committee
 - f) Human Resources Committee
 - g) Youth and Family Development
 - h) Planning and Zoning Committee

The Council shall act as a committee of the whole for each aforementioned standing committee.

2. Any proposal or ordinance may, upon motion, be referred by the Council to an appropriate committee for consideration and recommendation. The committee may, if it desires, hold public hearings hereon. In such hearings, all speakers shall be limited to five (5) minutes except by special permission of the Chairperson. Equal time shall be afforded for the proponents and opponents of any ordinance or resolution under consideration.
3. The agenda of the Council shall be prepared by the Office of the City Attorney in consultation with the Clerk of the Council. All proposed ordinances, resolutions, motions, and other matters shall be submitted in writing to the Office of the City Attorney no later than 11:30 a.m. on TUESDAY – a full week preceding Council meeting. Notwithstanding the foregoing, this deadline shall be waived when the Chairperson, Vice-Chairperson or any two (2) Council Members may give notice of an ordinance or resolution that the same shall be considered at the next regular agenda meeting, if, in fact, the Council Members present it in writing by the Tuesday meeting. Only items involving extreme emergencies may be added to the agenda after the Tuesday, 11:30 a.m. deadline. This section shall not apply to legislation submitted under F of these Rules.
4. Any matter which has appeared on the agenda and has been acted upon by either a majority vote for approval or rejection may be brought before the Council for reconsideration upon proper motion of a Council Member and seconding motion by another Council Member. Such reconsiderations shall not apply to any previous approval upon the City has financially or contractually relied upon.

The only requirements for this action are:

- a) The Member making the motion for reconsideration must have voted on the prevailing side of the initial vote.
- b) Such motion for reconsideration must be made prior to closing of the meeting in which the vote was cast.

No matter, either ordinance, resolution, or special permit, having been duly considered and rejected at one meeting, may be placed on the agenda by either a Member of the Council or the administration for further consideration until SIX (6) MONTHS (minimum of twenty-four (24) official weekly meetings) following original consideration of the matter unless a majority of the Council votes to place the matter on the agenda. This rule shall not apply to zoning change requests.

5. All proposals, recommendations and communications submitted by the Mayor or his designated officer shall be in the Office of the City Attorney by 11:30 a.m. on TUESDAY – a full week, preceding the Council meeting.
6. All other communications required by law to be presented to the Council shall be placed on the agenda.
7. The City Attorney's staff shall send to the Council Office and transmit to all Council Members a copy of the agenda before 5:00 p.m. FRIDAY preceding each Council meeting. A copy of any resolutions or ordinances on the agenda for consideration shall be sent to the Council Office and transmitted to each member of the appropriate committee, along with the agenda. Any Council Member may request the Council Office to allow him to pick up a copy of the agenda, resolutions, and ordinances.
8. The City Attorney's staff, unless otherwise instructed by the Council, shall make such agenda available to the public and to the press by transmitting time each FRIDAY.
9. Motions, purchases and administrative actions which appear to be noncontroversial, may be heard as administrative (departmental) reports. All items heard as administrative (departmental) reports may be read cumulatively and adopted by one (1) vote, provided, however, an objection by any one (1) Member of the Council will cause an item to be removed from the administrative (departmental) reports and handled in the normal manner.

F. Legislative Requests:

Members of Council seeking to place an ordinance on the Council meeting agenda for a Council vote shall either submit or recommend the proposed ordinance to the Council Chair or the appropriate committee chair for review and consideration. If the Member is uncertain to which committee the proposed ordinance should be referred, the Council Chair will assign the ordinance to the appropriate committee. Following a committee hearing, the proposed ordinance will be provided to the City Attorney to place on the meeting agenda for a vote to take place. Paragraph 3 of these Rules shall not apply to this Section F.

G. Meetings of the Council:

1. The Council meets in official session at 6:00 p.m. each Tuesday in the Council Chamber.
2. The Council meets in agenda session at 3:00 p.m. each Tuesday in the Council Chambers in which agenda items will be discussed openly.
3. The Council meets in strategic planning session at 1:30 p.m. each Tuesday in the City Council Conference Room in which agenda items for the official session will be discussed openly.
4. From time to time, the committees of the Council will meet to discuss those items falling within the scope of the committee.
5. Additionally, the Council will meet for information, education, and attorney-client purposes.
6. The Council shall have its official session, agenda session, and its strategic planning session meet weekly unless agreed upon by a majority of the Council members.

H. Recognition of Members of the Public on Non-Agenda Matters:

The following procedural rules relative to recognizing members of the public who wish to address the Council on a matter not on the regular meeting agenda shall apply:

- 1) Each speaker wishing to address the Council shall be recognized only at the microphone provided for that purpose.
- 2) The speaker may address the Council only upon matters within the legislative and quasi-judicial authority of the Council.

- 3) Each speaker shall limit his/her or her remarks to three (3) minutes, unless permission for additional time is provided.
- 4) The speaker shall not be permitted to use any vulgar or obscene language.
- 5) The use of the floor by persons addressing the Council shall not be used to personally attack or personally denigrate others.
- 6) The Chair is prohibited from recognizing any person, neighborhood association or organization to speak to the City Council during the “non-agenda matters” portion of the agenda more than twice in any thirty (30) day period.
- 7) Persons will be allowed to address the Council only once per day. Such a presentation can be made during an agenda session, committee meeting or a City Council meeting.

I. Travel Policy and Expense Reimbursement Policy of the Council:

1. The City Council hereby adopts the official City of Chattanooga Travel Policy as a guideline for definition of allowable travel expense and limitation, and for the Chairperson's use in considering approval or disapproval of the type and amount of travel expenditure requests for which individual Members seek advance payment of post-travel reimbursement. Said Travel Policy as it relates to Council Members may be amended by majority vote of Council.
2. All Members of the City Council shall request out-of-city travel and/or reimbursement from the Chairperson of the Council, who will approve or disapprove said request after expeditious review, and said review and determination shall be based on whether or not said travel is judged to be in the best interest of the City of Chattanooga. In the event the Council Chairperson disapproves a Member's travel request, said Member may appeal the Chairperson's decision to the Council's Human Resources Committee which may, by majority vote of the Committee's membership, recommend to the full Council to uphold the Chairperson's decision or approve the travel requested.
3. Council Members shall be responsible for prompt notification of their ability to attend a conference or meeting which requires pre-registration. In the event a registration fee has been made which is not refundable, Council Members shall be required to reimburse the City for that portion of the fee which is nonrefundable.

The Council Chairperson shall have the ability to waive this requirement upon justification of the circumstances which require cancellation. In the event the Council Chairperson disapproves a Member's waiver request, said Member may appeal the Chairperson's decision to the Council's Budget and Finance Committee's membership and recommend to the full Council, either to uphold the Chairperson's decision or to waive the reimbursement.

4. Members of Council shall be entitled to participate in all benefit programs for regular City employees on the same terms as such employees except where otherwise provided by Charter or Ordinance.
5. Members of Council may be reimbursed their reasonable, necessary, and actual expenses incurred in the performance of their official duties. This shall also include the use of interns in a manner consistent with the process and policies of the Human Resources Department. Members shall request reimbursement from the Chairperson of the Council who will approve or disapprove said request after expeditious review. In the event the Chairperson disapproves a Member's request, said Member may appeal the Chairperson's decision to the Council's Budget and Finance Committee which may, by majority vote recommend to the full Council to uphold the Chairperson's decision or approve the expense reimbursement requested. In the event that the reimbursement is denied, the Member may still submit receipts for expenses along with his/her sworn statement that the expense was reasonable, necessary and actually incurred in the performance of the Member's official duties. In this latter event, no expense shall be paid exceeding Three Thousand Dollars (\$3,000.00) per fiscal year.

K. Code of Ethics:

1. Members of the Council are expected to be prompt in their attendance of official meetings, including those held in joint session with the Hamilton County Commission. Such meetings shall be conducted in an orderly manner and according to the Rules of Procedure as adopted by this Council.
2. Conduct of individual Members during meetings of the Council is expected to reflect a total sense of respect for the office held by those assembled to conduct business. Members shall be courteous to one another, to any member of the administrative staff, as well as persons who may address the Council. A Member may not speak until recognized by the Chair and shall not be recognized the second time on the same subject until all Members who wish to speak have had an opportunity to do so. Any disorderly conduct shall be noted by the Chair, and the offending Member shall forfeit the privilege of the floor for the remainder of the meeting, except for the purpose of casting his vote.

L. Changes to the Rules:

No rule(s) of the Council's Rules of Procedure may be changed without receiving five (5) votes.

Notice of a proposed rule change must be communicated in writing, to each Council Member at least seven (7) days prior to consideration by the Council. Said notice shall state the general nature of the proposed rule and the date on which the sponsor intends to present the proposal to the Council.

These rules may be amended at any time by a majority vote of the Council.

Adopted: January 19, 2016

WAH/vmm