

RESOLUTION TO AMEND THE MEMPHIS CITY COUNCIL RULES OF PROCEDURE

WHEREAS, the Memphis City Council has adopted Rules of Procedure by which it maintains its operation, pursuant to Referendum Ordinance 1852, Section 1, Legislative Council; and

WHEREAS, from time to time it becomes necessary to amend said rules to ensure that Council Members are able to conduct the business of the City of Memphis efficiently and effectively, and it is proper that such amendments be officially approved by the legislative body.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the Council Rules of Procedure are hereby repealed and replaced with Attachment A.

BE IT FURTHER RESOLVED, by the Council of the City of Memphis that the Council Rules of Procedure be republished with the passage of this resolution.

Sponsor(s):

JB Smiley, Jr.
J. Ford Canale

ATTACHMENT A

MEMPHIS CITY COUNCIL

RULES OF PROCEDURE

CITY OF MEMPHIS, TENNESSEE

INCLUDING AMENDMENTS OF:

January 10, 1984
January 17, 1984
March 20, 1984
January 2, 1985
January 21, 1986
January 6, 1987
February 17, 1987
December 8, 1987
January 26, 1988
January 10, 1989
October 6, 1998
May 15, 2001
October 21, 2003
December 2, 2003
October 3, 2006
February 6, 2007
February 20, 2007
September 18, 2007
September 9, 2008
September 23, 2008
April 5, 2011
August 2, 2011
December 20, 2011
December 16, 2014
June 7, 2016
December 20, 2016
December 5, 2017
February 19, 2019
December 1, 2020
January 5, 2021
February 15, 2022
December 19, 2023
February 20, 2024

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RULES OF PROCEDURE - COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE

A. DUTIES OF THE CHAIRPERSON (1 through 6)

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. The Sergeant at Arms of the Council shall be under the direct supervision of the Chairperson.
3. The Chairperson, in consultation with the Parliamentarian, 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 may also appoint a Parliamentarian; in default of such appointment the Council's Legal Counsel shall serve as Parliamentarian. The Chairperson shall establish the order of business for any special meeting of the Council.
5. The Chairperson shall be elected by a majority vote of the duly sworn Council Members during the second meeting of November preceding the year he/she shall serve.

The Vice Chairperson shall be elected by a majority vote of the Council Members during the second meeting of the November preceding the year he/she shall serve. In the event the Chairperson of the Council becomes incapacitated, the Vice Chairperson shall serve as Chairperson of the Council and a new member shall be voted in as Vice Chairperson for the remainder of the year.

6. The Chairperson, through the Chief Administrative Officer, shall supervise and control the office staff, including scheduling workloads and staff assignments for Council members. The Council's assistant attorneys shall be under the direction and supervision of the Council Attorney, who shall report to the Chairperson. Evaluations and staff requests shall be directed to the Chief Administrative Officer in writing. The Chairperson shall be in charge of employment, with notification by the Chief Administrative Officer to Council Members of job openings. Notification of all vacancies, including the filling of any new positions, shall be made in writing to all Council Members and Staff. The written notification must include the job description for the vacant position, the Chairperson's proposed plan for filling said vacancy, and a solicitation to Council Members for referrals of qualified candidates to fill the vacant position. Referrals shall be directed to the Chief Administrative Officer, who shall oversee the process of filling the vacancy at the direction of the Chairperson. The Chairperson, through the Chief Administrative Officer, is strongly encouraged to notify the Council in a timely manner when a position becomes vacant, preferably within one (1) business day. Members of the Council shall not request personal

secretarial work of staff members for other than strictly Council business, including but not limited to the scheduling of personal appointments or other tasks unrelated to Council business or outside the scope of the Council's authority.

The Chairperson will be in charge of and accountable for the Council budget that has been approved by the Council during the budget process.

The Chairperson will authorize and/or approve all expenditures requested by the Council Members and the staff, including, but not limited to, travel and supplies. The party seeking authorization or approval shall, at the request of the Chairperson, submit written substantiation that the expenditure requested is for City business. If the Chairperson determines that the expenditure is not for City business, the Chairperson will return the request without authorization or approval for payment to the Council Member or staff member.

If the involved Council or staff member disagrees with the Chairperson's decision, said Council Member or staff member may appeal to the Council's Personnel Committee, which will make a recommendation to the entire Council, action of the entire Council shall be conclusive.

If it is determined that an expenditure properly authorized was not for City business, the Chairperson and the Council Member who initiated the expenditure will both be equally responsible for making restitution; provided, however, if the substantiating evidence upon which the Chairperson relied was incorrect, then the Chairperson shall not be liable to make restitution.

If the involved Council or staff member disagrees with the findings, such person may appeal to the Council's Personnel Committee, which will make a recommendation to the entire Council, and action of the entire Council shall be conclusive.

B. ORDER OF BUSINESS (7 through 21)

7. The Regular meeting shall be called to order at 3:30 p.m.
8. Invocation.
9. Roll Call.
10. Recognition of Visitors, including presentations of Resolutions and Certificates (presentations limited to 10 minutes). There shall be no more than three (3) presentations on the regular agenda per meeting. Priority will be given based on the time of notification to the Chief Administrative Officer.
11. Minutes of previous meeting approved.
12. Comptroller shall call agenda.
13. Recommendations and Communications from Mayor and others received and considered.
14. Nominations and/or appointments made.
15. Passage of ordinances considered in the following manner:
(Rezoning ordinances excluded)
 - a. First Reading
 - b. Second Reading.
 - c. Third and Final Reading.
16. Public hearings required by law (including consideration of ordinances on Third and Final Reading on Zonings).
17. Resolutions presented by Divisions in the following order:
 - a. Engineering
 - b. Executive Office
 - c. Finance and Administration
 - d. Fire Services
 - e. General Services
 - f. Housing and Community Development
 - g. Human Resources
 - h. Information Technology
 - i. Law
 - j. Library Services
 - k. MLGW

- l. Memphis Parks
- m. Planning and Development
- I. Police Services
- j. Public Services
- k. Public Works
- l. Solid Waste

- 18. Committee reports shall be given consideration and action in the order listed hereinafter (See E. Organization of Council).
- 19. Recommendations of the Council:
 - a. General Items.
 - b. Discussion Items.
- 20. Introduction of items on matters by the General Public.
- 21. Adjournment.

C. PROCEEDINGS IN COUNCIL MEETINGS (22 through 34)

22. Council Members shall have a regularly assigned seat in the Council Chamber. The Chairperson will assign the seating at the beginning of each year. Each Council Member shall address the Chairperson from his/her appropriate seat, and no Council Member shall be recognized by the Chairperson unless he/she be in his/her proper place. Talking on a Cell phone is not permitted at the Council member's assigned seat. If a call must be made or taken, members are asked to use the ante rooms located on either side of Council Chambers. The Chairperson may request a member to step away from the dais if he/she is causing a major distraction.
23. Every resolution or ordinance must be introduced by verbal motion of a Council Member and seconded by another Council Member during a regular meeting. The fact that any Council Member introduces 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.
24. All motions shall be subject to debate except the following motions:
 - a. To Adjourn
 - b. To Lay on the Table
 - c. For the Previous Question

provided, however, the proponent of any measure sought to be tabled shall have the right to be heard after the motion To Table is made and before said motion is put to vote. Furthermore, if any Member requests to be recognized, either electronically or by another means, and such request is registered and duly acknowledged by the Chairperson, after a motion for the previous question has been made, those persons will be allowed to speak but no new requests for recognition will be accepted.

25. When any question or motion is under debate in the Council, only the following oral motions shall be in order and may be entertained by the Chairperson.
 - a. To Adjourn.
 - b. To Lay on the Table.
 - c. To the Previous Question.
 - d. To Limit or Extend Limits of Debate
 - d. To Postpone to a Day Certain.
 - e. To Commit.
 - f. To Amend.
 - g. To Postpone Indefinitely.

Each of said motions shall take precedence in the order set out herein.

26. A roll call vote shall be taken by the Chairperson on all ordinances and on all resolutions involving appropriations, real property or funding. All ordinances shall be passed on consecutive, regular meetings; provided, however, that on Third and Final Reading, an ordinance may be postponed by affirmative action of Council from week-to-week or to a date 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 Chairperson.

The chair may call for any other method of voting allowed by Roberts Rules of Order such as voice vote, show of hands or by unanimous consent. In each case, the Comptroller shall reveal how each member voted to the Chairperson either verbally or electronically. The result of the vote shall not be final until announced by the Chairperson. Any member whose vote was not called may request his or her vote to be recorded at any time prior to the Chairperson's announcement of the vote. Any member may change his or her vote at any time prior to the announcement of the vote as long as such change does not change the outcome of the vote.

27. 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.
28. No one other than a Council Member may address the Council, except with the permission of the Chairperson, or as otherwise permitted under these Rules of Procedure. The Chairperson's ruling under this Rule 28 may be appealed to Council in the same manner as any other ruling. Members of the public wishing to address the Council on an agenda item shall sign in with the Sergeant at Arms and will be recognized by the Chairperson at the appropriate time. When recognized, this person shall state his or her name and address and shall limit remarks to the specific question under debate. Comment shall be limited to two (2) minutes. Persons may speak on no more than two (2) agenda items. No citizen may yield any allotted time to any other person or speaker. There shall be no debate by Council on the Consent Agenda, unless a matter is removed from the Consent Agenda by proper vote of the Council. Members of the public may not speak to the Consent Agenda except during the portion of the Agenda reserved for Discussion of matters presented by the General Public.
29. The Council may change the order of business upon majority vote of those Council Members present or at the discretion of the Chairperson or Councilmember presiding over the meeting.
30. 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 request agreement on a single spokesman for each group.

31. In the case of final readings on Zoning Ordinances, the following procedures shall be followed:
- a. Office of Planning and Development will provide the Chairperson and the committee Chairperson of Planning and Zoning a list of cases on the agenda that are non-contested which may be heard prior to any contested cases that may require a lengthy debate and discussion. Each case shall be presented by a member of the staff of the Office of Planning and Development.
 - b. The applicant shall be granted a maximum of fifteen (15) minutes for oral presentation. This time limitation may be divided between initial presentation and rebuttal, as long as the total does not exceed the fifteen minutes allotted.
 - c. Spokesman for the opposition shall be granted equal time.
 - 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 Chairperson shall strictly enforce these rules.**
32. Persons seeking to speak during the section reserved for Discussion of matters presented by the General Public shall sign in with the Sergeant at Arms, listing name and subject matter. At the conclusion of the regular business on the agenda, the Chairperson recognizes those persons who have registered to speak with the Sergeant at Arms, the Chairperson shall make the following statement:

As a reminder, these meetings are for the official business of the council and are held in public, not as a meeting with the public. Citizens may address the Council as a matter of legislative grace and not as a matter of right. Any person wishing to speak is expected to reflect a total sense of respect for the office held by those assembled to conduct business. Speakers shall be courteous to one another, to any member of the administrative staff, as well as persons who may address the Council. Each speaker must state their name and home address for the record. Speakers are respectfully asked to refrain from using names of city personnel or elected officials, particularly when lodging a complaint. Speakers will not be permitted to engage in gossip, make defamatory comments, or use abusive or vulgar language. The Chairperson shall have the authority to revoke the permission granted to any individual to speak if any such individual is disruptive or does not adhere to Council rules. A continued disturbance may result in removal from the Council Meeting or possible removal from the Council Meeting. Each Speaker will have no more than two minutes to speak.

After making the foregoing announcement, the Chairperson shall recognize persons who have registered to speak with the Sergeant at Arms in the proper order of signatures as handed to him by the Sergeant at Arms. Recognition of any person who failed to sign in

will be discouraged, but final decision shall rest with the Chairperson. No citizen may yield any allotted time to any other person or speaker.

33. In the case of any disturbance or disorderly conduct in the Council Chamber, the Chairperson shall have the power to order the same to be cleared.
34. If any question shall arise which is not provided for in these Rules, the same shall be governed by Roberts Rules of Order, which is hereby adopted. The Council Rules of Procedure as adopted shall supersede Robert's Rules of Order for items addressed within.

D. DECORUM IN COUNCIL MEETINGS (35 and 36)

35. Meetings of the Council shall be conducted in an orderly manner to ensure the public has a full opportunity to be heard and the deliberative process of the Council is retained at all times. The Presiding Officer shall be responsible for maintaining decorum throughout the meeting. If a Councilmember feels that the Presiding Officer has failed to address a breach of decorum, the Councilmember may by motion appeal to the Chairperson to preserve decorum.
- a. Councilmembers. The members of the City Council shall preserve order and decorum, and a member shall not by conversation or other means delay or interrupt the Council proceedings or disturb any other member while speaking and obey the orders of the Presiding Officer. Councilmembers addressing the public, Administrative Staff, Council Staff or other Councilmembers shall do so in an orderly manner and shall not make personal, impertinent, slanderous or profane remarks to any member of the Council, staff or general public. Any Councilmember who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any Council meeting shall, at the discretion of the presiding officer, be asked to refrain from such behavior. If the behavior persists, the Chairperson with the approval or majority vote of the body shall determine how to proceed with the meeting.
 - b. Employees. Employees of the City or City shall observe the same rules of order and decorum as those which apply to the members of Council.
 - c. Persons Addressing the Council. Any person who addresses the Council shall do so in an orderly manner and shall not make personal, impertinent, slanderous or profane remarks to any member of the Council, staff or general public. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any Council meeting shall, at the discretion of the presiding officer, be barred from further audience before the Council during that meeting.
 - d. Members of the Audience. No person in the audience at a Council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts, such as hand-clapping, which disturb, disrupt or otherwise impede the orderly conduct of any Council meeting. Any person who conducts himself in the aforementioned manner shall, at the discretion of the presiding officer, be barred from further audience before the Council during that meeting.
 - e. If members of the public who are in attendance would like to express support, agreement, disagreement, or opposition to a comment or item on the agenda, he or she shall only express such with either a thumbs up or a thumbs down. Applause is prohibited.

- f. Members of the public may bring signs or posters to the meeting as long as such sign or poster does not convey any discriminatory, threatening, foul, or offensive language. Any sign or poster must be no larger than 11x17 inches and be made of paper material to be allowed inside the Council Chamber.

36. Rules of Enforcement

- a. **Warning.** The presiding officer shall request that a person who is breaching the rules of decorum be orderly and silent through a verbal warning.
- b. **Order to Leave.** If, after receiving a warning from the presiding officer, a person persists in disturbing the meeting, the presiding officer shall order him or her to leave the Council meeting to prevent any further disruption of the meeting.
- c. **Removal.** If such person does not remove himself or herself, the presiding officer may order any law enforcement officer who is on duty at the meeting as Sergeant-at-Arms of the Council to remove that person from the Council chambers to prevent further disruption of the meeting.

E. ORGANIZATION OF COUNCIL (37 and 38)

37. There shall be the following standing committees, the chairperson of which shall be appointed annually by the Council Chairperson:

- a. Budget and Audit
- c. Economic Development, Tourism and Technology
- d. Housing and Community Development
- e. Libraries and Neighborhood Improvement
- f. MLGW
- g. Parks and Environment
- h. Personnel, Government Affairs and Annexations
- i. Planning and Zoning
- j. Public Safety and Homeland Security
- k. Public Services, Arts and Youth Initiatives
- l. Public Works, Solid Waste, and General Services
- m. Transportation

The Council may, by resolution, add, reorganize, or consolidate standing committees.

38. a. Any proposal or ordinance, other than routine personal resolutions, must be referred by the originator to an appropriate committee for consideration and recommendation. If the originator has an item and he is not sure to which committee it should be referred, he will give it to the Chairperson of the Council for assignment. This committee may, if it desires, hold public hearings thereon. In such public hearings, all speakers shall be limited to five minutes, except by special permission of the committee Chairperson. Equal time shall be afforded to the proponents and opponents of any ordinance or resolution under consideration.
- b. Any proposal or resolution presented in committee must contain the name of the originator and co-sponsor (if applicable) in the lower portion of the document immediately following the body of the legislation. Any ordinance presented must contain the name of the originator, co-sponsor (if applicable) and Council Chairperson.
- c. On occasion should an emergency arise or a quantifiable benefit to the City of Memphis or another party will be lost as a result of the delay of action by the Memphis City Council, meeting minutes for an agenda item may be approved at the same meeting. In order to approve an agenda item and minutes for that item the same evening, a Councilmember shall request during the Committee in which the item was heard or in Executive Session by motion and approval by a majority of Councilmembers present and voting in Executive Session on that day that those minutes be approved the same evening.

F. AGENDA (39 through 45)

39. The agenda of the Council shall be prepared under the direction of the Council Records in consultation with the Council's Chief Administrative Officer, with administrative items to be submitted no later than 10:00 a.m. on TUESDAY, next preceding the next regular Council meeting, to the Council Office.

- a. Resolutions or Ordinances placed on the agenda shall indicate the sponsor of the item as well as the Chairperson of the committee.

Example:

Flinn
Chairperson, Personnel
Committee

7. Ordinance to amend Chapter 25 of the City of Memphis Code of Ordinances, governing the City Pension System to provide a 2016 Cash Balance Plan and a 2016 Defined Contribution Plan (Non-vested employees) Ordinance No. 5572 Sponsored by Administration

- b. 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 a timely motion of a Council Member and seconding motion by another Council Member during the appropriate Council meeting.

The only requirements for this action are:

- (1) The Member making the Motion to Reconsider must have voted on the prevailing side of the initial vote. A Member, regardless of how he voted on the Motion to be Reconsidered, may Second the Motion.
- (2) Such Motion to Reconsider must be made prior to approval of the minutes in which the first vote was cast.
- (3) The Motion to Reconsider is not amendable.
- (4) No question can be reconsidered twice unless it was materially amended during its first reconsideration.

Once a matter, either ordinance, resolution, or special permit, has been finally approved or rejected at one meeting, any such item may not be placed on the agenda by either a Member of the Council or the Administration for further consideration until SIX MONTHS (minimum of twelve (12) official weekly meetings) following original consideration of the matter.

- c. All items that have been referred to committee and have been acted upon by that committee shall appear on the agenda with the appropriate committee Chairperson's name alongside. All items not referred to committee shall appear with the Council Member's name who is the sponsor of that item.

Before any item is put on the Council Agenda, with the exception of subdivision approval and acceptance, Fiscal Consent Agenda items, personal resolutions, i.e., acknowledgment, condolence, commendation, the originator of such item must present it promptly to the appropriate committee.

- d. Each Council Member may sponsor only four (4) honorary street name changes per council member per four-year term. Each honorary street name change shall be considered by a Council Committee and placed on a Council agenda. Additionally, not more than two (2) name changes per member are permitted in a calendar year and no name changes will be carried over from term to term.

If an honorary street name change is cosponsored, the honorary street name change will only be counted against the original, primary sponsor of the resolution.

Upon approval of the resolution to designate an honorary street name change, the staff member assigned to the sponsoring Council Member shall complete the required request form for Engineering to affix the honorary street signs to the designated location; in addition, the primary sponsor of the resolution shall sign off on the location, installation date, and name listed on the resolution and, subsequently the signage, prior to submission of the form to the Department of Engineering.

40. All proposed ordinances, resolutions, and other matters submitted by Council Members shall be submitted in writing to the Council Office by close of business (COB) TUESDAY next preceding the next regular Council meeting, except that a Council Member may give notice of an ordinance or resolution and the same shall be considered on TUESDAY during committee meetings if, in fact, the Council Member presents it in writing by the Tuesday meeting. Only items involving extreme emergencies may be added to the agenda after the Tuesday, COB deadline; provided, also, that two or more Members of the Council may voice their objections thereto and said items shall be added to the next committee agenda.
41. All proposals, recommendations and communications submitted by the Mayor or his designated officer shall be in the Council Office by 10:00 a.m., TUESDAY next preceding the next regular Council meeting. All recommendations and proposals not involving resolutions or ordinances shall also be placed on the agenda.

The Council Chairperson shall announce any changes to the published agenda during the Council Executive Session held each Tuesday. If additional time is needed to gather information or study an agenda item, it may be deferred or dropped from the agenda by a majority of the Council present.

42. All other communications required by law to be presented to the Council shall be placed on the agenda.
43. The Council Records staff shall distribute to all Council Members and the administration a copy of the agenda before 5:00 p.m., THURSDAY preceding each Council Meeting. A copy of any resolutions or ordinances on the agenda for consideration shall be sent to the Council Office and distributed 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 in lieu of distributing the same to him/her via email or other means.

44. The Council staff shall make such agenda available to the public and to the press each Friday.
45. a. Resolutions and ordinances on first and second reading, which appear to be noncontroversial, may be placed on a Consent Agenda. All items on the Consent Agenda may be read cumulatively and adopted by one vote, provided, however, an objection by any one Member of the Council or a timely motion to remove the item will cause an item to be removed from the Consent Agenda and handled in the normal manner. The Consent agenda is to be made and distributed at the same time as the regular weekly agenda.
- b. Resolutions on first and second reading, prepared for fiscal matters and routine appropriation of funds on items previously budgeted or allocated for specific projects, may be placed under a caption Fiscal Consent Agenda, be read cumulatively and adopted by one roll call vote, provided, however, any objection by any one Member of the Council will cause an item to be removed from the Fiscal Consent Agenda and handled in the normal manner. Items where no objection is voiced, may be added at Executive Sessions and be considered with other Fiscal Consent items. The Fiscal Consent Agenda is to be made a part of and distributed at the same time as the regular weekly agenda.

There shall be a permanent Fiscal Consent Agenda for the acceptance of grant funds and donations across all city divisions. Items shall appear in the Executive Session and on the Fiscal Agenda simultaneously. Items appearing on the Fiscal Consent Agenda will be approved with same night minutes. Any item requiring a city match will be added on the Fiscal Consent Agenda only after it has received approval in the appropriate committee and a motion has been made to add the item. Council members shall be able to pull items from the Fiscal Consent Agenda upon timely motion or with an objection.

G. CODE OF ETHICS (46 through 49)

46. Meetings of the Council: Members of the Council are expected to be prompt in their attendance of official meetings, including those held in joint session with the Shelby County Commission. Such meetings shall be conducted in an orderly manner and according to the Rules of Procedure as adopted by this Council pursuant to Article 7, Section 44, of the Charter of the City of Memphis, as quoted below:

It shall require a majority of the duly sworn Members of the Council to form a quorum for the transaction of business, but a smaller number may adjourn from day to day, and can adopt such measures as are necessary to compel the attendance of absent Members. The Council may determine the rules for its procedure and may prescribe the punishment for its Members for non-attendance or disorderly conduct, and shall have the power to enforce same.

47. 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. The length of time to speak for each Council member is limited to not more than five (5) minutes, per motion, to be used in sum or in part when first recognized to speak on a matter or the remaining time may be used when recognition is sought the second time. A Member may not speak until recognized by the Chairperson 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 Chairperson.
48. General Conduct: Members of the Council are advised of the following provision of the Home Rule Amendment:

Neither the Council nor any Member thereof shall give orders directly to the Mayor's subordinates or otherwise interfere with the operation of the administrative departments through such means as directing or requesting the appointment or removal of any of the Mayor's subordinates, or by suggesting or promoting the making of particular purchases from, or contract with, any specific organization, or by applying for special services not available to all citizens. The office of any Council Member violating any provision of this section shall immediately become vacant upon his conviction of such type of misconduct in a court of competent jurisdiction.

The Council shall have full power and authority to adopt the rules and regulations pertaining to the conduct of the Council, including the power to issue subpoenas and administer oaths, as now provided for the Board of Commissioners.

49. In order to implement these procedures, the Chairperson shall appoint a special three-member committee designated as a COMMITTEE OF ETHICS. Its function shall be to receive, consider and investigate any written charges presented by a Council Member preferred against any Member of the Council wherein said Member of the Council is alleged to have been guilty of misfeasance, malfeasance, or any felony or misdemeanor involving moral turpitude. This shall include written complaints that may be filed concerning ethical conduct of any Member of

the Council, such as conduct alleged to be in violation of the Oath of Office as sworn to by each Member of the Council, including the specific Charter references cited above. The Committee shall report to the full Council as to its findings and recommendations in any such case filed.

Censure of any Member of the Council would require nine (9) votes. Recommendations of this Committee may include referral to the Shelby County Attorney General and/or U.S. Attorney General, and findings deemed appropriate for further investigation by proper offices.

H. OTHER MEETINGS OF THE COUNCIL (50 through 53)

50. The Council meets in official session at 3:30 p.m. the first and third Tuesday of each month unless otherwise notified, in the Council Chamber unless otherwise changed by ordinance of the Council, with an Executive Session beginning at least 30 minutes prior to the official session.
51. Special called meetings must follow official procedures as specified in the Charter and as directed by the Chairperson.
52. The Chairperson of the Council may call a meeting of the Council, upon reasonable notice, for discussion purposes or consideration of any item the Chairperson deems pertinent, but such meeting shall not be considered official, nor can any official or binding action be taken by the Council at any such meeting. As many as seven (7) Members of the Council may petition the Chairperson to call such a meeting of the Council, provided, however, that the same restrictions as the official action shall apply.
53. No rule(s) of the Council's Rules of Procedure may be changed without receiving an affirmative constitutional majority. A constitutional majority is defined to be a majority of the number of Members to which the Council is entitled; currently seven (7).

Notice of a proposed rule change must be communicated in writing, to each Council Member at least seven 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 constitutional majority vote of the Council.

I. TRAVEL POLICY (54 and 55)

54. The City Council hereby adopts the official City of Memphis 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.

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 Memphis. Any travel approved by the Chairperson of the City Council, for either himself or another council member, is only valid during the calendar year of the Chairperson's tenure. All persons seeking approval for travel must receive authorization in writing from the Chairperson of the Council prior to the initiation of travel plans by the City Council staff. In the event the Council Chairperson disapproves a Member's travel request, said Member may appeal the Chairperson's decision to the Council's Personnel 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.

Upon approval by the Chairperson, for either himself or herself or another council member, the Chief Administrative Officer or his or her designee shall provide the council member with a physical and digital copy of all travel arrangements and approvals at least seven (7) days prior to departure.

55. Council Members shall be responsible for prompt notification of their inability to attend a conference or a 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 non-refundable.

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 Personnel, Intergovernmental and Annexation Committee's membership and recommend to the full Council, either to uphold the Chairperson's decision or to waive the reimbursement.

J. VACANCIES (56)

56. Upon notification of a vacancy on the Council, the Chairperson shall request written nominations from Council members of a qualified individual(s) they would like considered for the position. Additionally, the public may nominate candidates and interested candidates shall personally submit a resume and letter indicating their interest in the vacant seat. The name, address and birthdate of all candidates should be included in the nominating letter. Interested candidates will also be asked to provide proof of residency as described by the City of Memphis Human Resources Division. Required documents for Proof of Residency shall be at least one (1) of the following: valid Tennessee driver's license or state identification; Tennessee vehicle registration; current Memphis Light Gas & Water bill (within previous 30 days), and at least two (2) of the following: mortgage papers or lease agreement in candidate's or spouse's name; address section of federal tax return or tax bill for residence; recent bank or credit union statement in candidate's or spouse's name (within previous 30 days); voter registration card. The candidate's eligibility and residency will be certified by the Shelby County Election Commission.

Signatures of twenty-five (25) registered voters residing in the Council district in which the vacancy exists shall be obtained. Said signatures and proof of residency shall be submitted to the Shelby County Election Commission on a form which includes a sworn, affirmative statement regarding the residency of the candidate by noon on the Thursday preceding the Tuesday meeting when the Council shall fill the vacancy.

During the Regular Meeting of the Council or Executive Session, all nominees will be given an opportunity to deliver a speech, may be questioned by the Council, and will be voted on at the same time. A roll call vote shall be taken with each Council member indicating the name of their choice to fill the vacant seat. Voting will begin with the Council person whose name appears first on the voting board. With each successive round of voting, the person who voted first in the previous round will vote last.

The Deputy Comptroller will tabulate the votes and inform the Chairperson of the vote count for each nominee at the conclusion of each round of voting. The procedures in the initial round will be repeated as many times as necessary until a nominee receives a majority vote of the duly sworn Council Members. Beginning at the second round of voting, a nominee receiving less than two (2) votes will be dropped from the list of nominees. After three (3) rounds of voting, the Chairperson may accept a motion to consider the top two (2) vote-getters.

The Chairperson will have the discretion to establish time limits for voting when an impasse seems likely and to table voting to the next meeting so as to not disrupt and delay normal Council business.

**RESOLUTION TO ESTABLISH AN AMNESTY PERIOD MAY 21, 2024, TO JUNE 31, 2024,
FOR THE PAYMENT OF OUTSTANDING CITATIONS TO OFFSET PROPOSED TAX
INCREASE**

WHEREAS, the City of Memphis recognizes the importance of fiscal responsibility and the need for community engagement in ensuring the financial stability of our municipality; and

WHEREAS, the Administration acknowledges the largest unmined source of revenue available to assist in balancing the budget resides in unpaid citations; and

WHEREAS, the City Council acknowledges the burden that outstanding citations can place on individuals and families within our community; and

WHEREAS, it is in the best interest of the City of Memphis to incentivize timely payment of citations to promote fiscal health and efficiency in our operations; and

WHEREAS, the City Council deems it necessary to implement measures to encourage compliance with citation payment obligations while providing relief to those experiencing financial hardship; and

WHEREAS, it is the intent of the Council to establish an amnesty period to provide an opportunity for individuals to fulfill their citation payment obligations at a reduced rate, thereby promoting fiscal responsibility and contribute to the financial stability of our community; and

WHEREAS, during the amnesty period, individuals with outstanding citations issued by the City of Memphis may pay their fines at half of the original amount owed.

NOW, THEREFORE, BE IT RESOLVED, that the Memphis City Council hereby establishes an amnesty period for citation payments in Fiscal Year 2024, commencing immediately upon the passage of this resolution and extending until June 30, 2024; and that the amnesty period shall allow individuals with outstanding citations issued by the City of Memphis to pay their fines at half the original amount owed, effective at the passage of this resolution.

Sponsors:

Jerri Green

ORDINANCE TO AMEND CHAPTER 21 OF THE CITY OF MEMPHIS CODE OF
ORDINANCES, GOVERNING MOTOR VEHICLES AND TRAFFIC, TO AUTHORIZE THE
CITY COURT CLERK'S OFFICE TO ACCEPT PARTIAL PAYMENTS FOR TRAFFIC
CITATIONS

WHEREAS, the Memphis City Council recognizes that many factors contribute to a person's inability to pay traffic citations, such as economic hardship; and

WHEREAS, it is the intent of the Council to provide a means to reduce the outstanding cumulative balances of fines and costs traffic citations due the City while also making it easier for citizens to resolve any outstanding traffic citations at a reduced cost; and

WHEREAS, the Council has full power and authority under the City's charter to establish by ordinance fines and costs to be assessed for violation of City Ordinances, to approve and amend all budgets and to provide rules and regulations for the operation of the City Courts.

NOW, THEREFORE, BE IT ORDAINED by the Memphis City Council that Chapter 21, Section 49 (C) is hereby amended to add the following provision:

Section 1. Procedures applicable to summonses and traffic citations

The following procedures shall apply as to traffic summonses, ordinance summonses, and traffic citations:

C. Traffic citation. Whenever any traffic citation has been issued, the citation shall provide for payment within 15 days from issuance. Any person receiving such traffic citation may appear and pay the forfeiture set therein at the traffic violations bureau on or before that date, either in person or by mail. If no one appears to pay such traffic citation by the end of the 15-day period, then a summons shall be issued as provided in the Charter and served either by personal service or certified or registered mail as provided by law indicating the date and time for such person to appear to answer the charge in such traffic citation. The traffic citation summons shall be set upon the docket specially established for such summons. If such person fails to appear to answer such citation before the court indicated and at the date and time provided for, the court, upon motion of the city, shall take a default judgment against the defendant in favor of the city. The amount of such default judgment shall be at least the amount of the forfeiture set for the violation of such section and no more than \$50.00 and costs for each violation.

The traffic citation summons shall be sworn to by the officer before a person designated as a city court clerk for the purpose of taking oaths on a form of oath approved by a majority of the city court judges. The city court clerk's office shall certify that the defendant is the registered owner of the vehicle by signing the docket and certifying to such registration. The oath of the officer and the certification of the clerk shall be prima facie evidence that the defendant violated the section charged. If the defendant contests the ownership of the vehicle or the violation of the

ordinance, he or she shall file a sworn pleading in evidence of the hearing setting forth such defense or defenses so as to allow the city sufficient time to prepare for the trial.

D. Amnesty Program. The Memphis City Council shall be authorized from time to time to establish an Amnesty Program by resolution which provides a means to reduce the outstanding cumulative balances of fines and costs traffic citations due the City while also making it easier for citizens to resolve any outstanding traffic citations at a reduced cost; provided, however, that any such programs shall not permit partial payment in excess of fifty (50%) percent of the total fine and/or costs due for an individual's traffic citation(s) or be implemented more than once during any fiscal year. Any Amnesty Programs heretofore implemented by the City are hereby approved, ratified and confirmed.

Section 2. Nonconflicting - Conflicting laws.

BE IT FURTHER ORDAINED that as amended hereby all laws constituting the present Code of Ordinances of the City of Memphis be and the same are hereby continued in full force and effect, and all laws in conflict herewith are hereby repealed. This ordinance does not alter or amend the rights or obligations of any person or entity that may exist under the City Charter or under Tennessee law.

Section 3. Severability.

BE IT FURTHER ORDAINED that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held to be unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 4. Effective Date.

BE IT FURTHER ORDAINED That this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the Comptroller and become effective as otherwise provided by law.

Sponsor(s):

Jerri Green

JB Smiley, Jr.

Chairman