December 10, 2013

City of Lewisburg Tennessee
Mr. Randall D. Dunn
City Manager
131 East Church Street
Lewisburg, Tennessee 37091

VIA ELECTRONIC MAIL

Dear Mr. Dunn:

Thank you for reaching out to MTAS seeking our opinion on the authority of the mayor to introduce legislation for formal consideration of the city council. As I understand it, no local policy has been enacted establishing the agenda setting process in Lewisburg.

Article 5, Section 1 of the city charter provides as follows:

Duties, Powers, Etc. Be it further enacted, That the Mayor shall preside at all meetings of the City Council and perform all such other duties as is consistent with his office, or as may be imposed upon it by ordinance.

The Mayor shall have a seat in the City Council and shall preside over the meetings of the Council and shall have a voice in the proceedings and the right and privilege of discussing and stating opinions as to such matters and things as may come before the Council, but he shall not be entitled to a vote as to the affirmative or negative action of the Council on any question or matter except in the event of a tie in the voting of the Councilmen, in which case the Mayor shall be entitled to a vote and to cast the deciding vote. The Mayor shall have no veto power over the proceedings and actions of the City Council. It shall be his duty to sign the Journal of all meetings in his official capacity, and all ordinances passed by the Council on third and final reading, to execute all deeds, bonds, contracts, notes, and other instruments in the name of the City and to acknowledge the execution thereof as Mayor.

The Mayor shall have no power to introduce an ordinance, resolution, or motion before said Council or to take any action at meetings other than as expressly provided herein.

It is our opinion that Article 5, Section 1 vests in the city council the exclusive legislative jurisdiction in the city. The lone exception to this exclusivity is in the event of a tie vote of city council when the mayor is the entitled to cast the deciding vote (thus serving in a legislative capacity). Having such exclusive jurisdiction, only the members of the city council are entitled to advance legislation and other items placed for consideration before them by the mayor as presiding officer. To advance legislation
includes the active acts of introducing ordinances, resolutions, and motioning these and other items to
the floor for formal consideration, or not; and voting on such matters once they reach the floor and are
ripe for council action.

It is further our opinion that the mayor, in his role of presiding officer, is empowered to set the formal
written agenda and to call for action by the city council on each of those matters included on the agenda
therein, as well as to introduce other action items for consideration of the city council during the course
of the meeting itself, all for the purpose of facilitating the legislative affairs and needs of the city.

In sum, we agree with your city attorney. In reaching this conclusion I consulted with the MTAS legal
staff and they concur with this writing.

Very truly yours,

Jeffrey J. Broughton
Municipal Management Consultant

Cc: Josh Jones