



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** Rule 49 Amendment, **Version:** 1

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Proposed Amendment to Rule 49 of the Metropolitan Council Rules of Procedure.

I move to amend the 2019-2023 Metropolitan Council Rules of Procedure by amending Rule 49 as shown below:

### **49. Election of public officials**

Procedure for selecting a successor to fill a vacancy in any office which by law is to be filled by the Council.

1. Upon the vacancy in the office of any elected official that may lawfully be filled by the Council, each member of the Council shall be notified of said vacancy by an announcement by the Vice Mayor at the next meeting of the Council. Such announcement shall be at least four weeks preceding the meeting at which a successor is to be elected. Upon the announcement of a judicial or court clerk vacancy, the Clerk shall immediately notify the Nashville Bar Association and Napier-Looby Bar Association of such vacancy, which notification may be by facsimile or electronic transmission.
2. The Council may select a successor at any special called meeting of the Council, provided the notice under paragraph 1 is satisfied.
3. Nominations. All members of the Council as well as members of the general public, including candidates themselves, may nominate a person to fill the vacancy in office. No second shall be required to place the name in nomination. All nominations shall be in writing, signed by the person making the nomination and filed with the Clerk not later than 4:00 p.m. on the day which is one week following the date of the notice of the vacancy, at which time nominations will be closed. Within three business days following the filing of the written nomination, the person so nominated shall file with the Clerk a copy of their resume and a written questionnaire approved by the Rules Committee that shall include, but not be limited to:
  - a. A statement setting forth their willingness to serve if elected;
  - b. Their complete name;
  - c. Place of residence;
  - d. The length of time the person has lived in Davidson County;
  - e. Professional or occupational experience;
  - f. Educational background;
  - g. Experience in public service;

- h. Physical and mental ability to perform the essential duties of the position with or without reasonable accommodation;
- i. For judicial appointments, if the candidate is an attorney, a waiver of confidentiality as to disciplinary matters under the Tennessee Supreme Court Rule 9, Section 32.1.
- j. All other information that may be required by law to ensure their eligibility to serve.

Failure of a candidate to return a completed questionnaire to the Clerk within three (3) business days after the candidate's nomination is received by the Clerk's office shall result in the candidate's nomination being automatically withdrawn.

The Clerk shall forward copies of the nomination documents and responses to the questionnaire to each Council member.

- 4. All candidates for a position shall personally appear before the Rules Committee to be interviewed to ensure the candidate is properly qualified. The Clerk's Office will notify each candidate by electronic mail and certified mail regarding the date, time, and place of the Rules Committee meeting. Failure to appear before the Rules Committee shall result in a candidate's nomination being automatically withdrawn.
- 5. Judicial or Court Clerk Candidates. The Clerk shall forward the names of all persons nominated to fill a judicial or court clerk vacancy to the Nashville Bar Association and Napier-Looby Bar Association and request that a Candidate Evaluation Poll be taken from its membership. The results of the poll, including the total number of members and the members responding, shall be filed with the Clerk, who shall forward such results to the members of the Council. All candidates for a judicial or court clerk position shall personally appear before the Rules Committee, at its meeting at least two weeks prior to the Council meeting at which time the election will be held to fill the vacancy, to be interviewed to ensure the candidate meets the required qualifications.
- 6. Petitions from voters residing in the county may be presented to the Council by filing them with the Clerk in support of any candidate.
- 7. At the meeting for the Council when the selection is to be conducted, the Council member or other person having nominated a candidate may speak for no more than five minutes and may yield the floor to the candidate or other persons who wish to speak in support of the nomination. No more than five minutes total shall be given any one candidate for their presentation and the persons speaking in support of the candidate.
- 8. The election shall be conducted in the same manner as provided in Rule 48(2) and (3).
- 9. If a vacancy occurs in the Tennessee General Assembly, the Vice Mayor may immediately notice the vacancy. If the Vice Mayor does not notice the vacancy, twenty-one councilmembers may request in writing that the vacancy be noticed and the Vice Mayor shall notice the vacancy. An election may be conducted at the next Council meeting, including a special called Council meeting, for an interim successor to fill the vacant seat. Nominations may be taken at this meeting and nominees need not complete a questionnaire or appear before the Rules Committee. At the meeting when the selection is to be conducted, the Council member or other person having nominated a candidate may speak for no more than five minutes and may yield the floor to the candidate or other persons who wish to speak in support of the nomination. No more than five minutes total shall be given any one candidate for their presentation and the persons speaking in support of the candidate. The election to fill the vacancy shall be conducted

in the same manner as provided in Rule 48(2) and (3).