

**CITY OF FAYETTEVILLE  
ORDINANCE NO. 2023-07**

**AN ORDINANCE TO ESTABLISH A PROCESS FOR MEMBERS OF THE  
PUBLIC TO MAKE PUBLIC COMMENTS THAT ARE GERMANE TO  
ACTIONABLE ITEMS ON THE AGENDA OF THE BOARD'S REGULAR  
MEETINGS**

**WHEREAS**, the Tennessee General Assembly has adopted Public Chapter No. 300 amending Tennessee Code Annotated, Title 8, Chapter 44, Part 1, to establish, subject to the limitations set forth said legislation, the right of members of the public to make public comments at public meetings that are germane to actionable items on the meeting agenda; and

**WHEREAS**, pursuant to Title 1, Chapter 1 of the Fayetteville Municipal Code, the Board of Mayor and Aldermen of the City of Fayetteville holds a regular meeting on the second Tuesday of each month where the Board considers actionable items on the agenda adopted for each meeting; and

**WHEREAS**, by this ordinance, the Board seeks to balance the interest in permitting members of the public to make comments at the regular meetings of the Board with the need to conduct the regular meeting of the Board in an orderly and efficient manner; and

**WHEREAS**, the City of Fayetteville desires to establish a system for public comment in compliance with the aforementioned legislation.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FAYETTEVILLE, TENNESSEE, that:**

- (a) The agenda for the upcoming regular meeting of the Board shall be posted at the City Administration building located at 110 Elk Avenue South, Fayetteville, Tennessee, and the City's website on the Friday prior to the upcoming meeting.
- (b) The Board of Mayor and Aldermen shall allow members of the public an opportunity to comment on matters that are germane to actionable items on the agenda for the regular meeting of the Board held on the second Tuesday of each month at the City Municipal Building, subject to the following limitations:
  - (1) Any member of the public seeking to make public comments at the regular meeting of the Board that are germane to an actionable item on the meeting agenda shall appear in person at the City Administration office, between the hours of 8:00 a.m. and 4:00 p.m. on the Monday prior to the meeting or between the hours of 8:00 a.m. and 2:00 p.m. on the day of the meeting and shall complete a form to be provided by the City Administrator or his or her designee(s) identifying the person seeking to make public comments and identifying the agenda item that the person seeks to address.

- (2) The public comment period during each meeting shall be limited to ten (10) speakers. If ten (10) or fewer members of the public complete the notification process set forth in the preceding paragraph, each person seeking to make public comments that are germane to an actionable item on the meeting agenda shall be permitted to address the Board during the public comment period.
- (3) If more than ten (10) members of the public complete the notification process seeking to make public comments that are germane to an actionable item on the meeting agenda, the City Administrator shall have the discretion to determine the ten (10) members of the public who shall be permitted to comment. In exercising this discretion, the City Administrator shall take all practicable steps to ensure that members of the public are selected to provide commentary on as many agenda items as possible and opposing viewpoints are represented fairly, if any.
- (4) In the event more than ten (10) members of the public complete the notification process making it necessary to limit the number of applicants who will be permitted to speak, the City Administrator or his designee(s) shall make reasonable efforts to notify each applicant who is not chosen to make public comments in advance of the meeting.
- (5) The public comment period shall be held during the Board's regular monthly meeting immediately following the approval of the minutes of the previous meeting or meeting and immediately before reports from outside agencies and standing committees.
- (6) Those members of the public who are permitted to make public comments at the Board meeting shall be allowed a period of two (2) minutes to make public comments. No speaker shall be permitted to exceed the allotted time.
- (7) No member of the public shall be permitted to make public comments during the public comment period unless notice of his or her desire to offer comments is provided to the City Administrator or his designee(s) pursuant to Section (b)(1) above.
- (8) No member of the public shall be permitted to make public comments during the public comment period on a topic that is not germane to an item on the meeting agenda. The City Administrator shall have the discretion to disallow any proposed speaker who seeks to make comments on a topic that is not germane to an item on the meeting agenda.
- (9) If a member of the public who is permitted to make public comments after having notified the City Administrator that he or she intends to offer comments on a topic that is germane to an actionable item on the meeting agenda fails to limit his comments to the agenda item, the Mayor or other member of the Board acting as presiding officer of the meeting shall instruct the speaker to conclude his or her comments. If the speaker fails to conclude his or her remarks, appropriate steps may

be taken to discontinue the speaker's allotted time and, if necessary, remove the speaker if he or she refuses to discontinue speaking.

- (c) The agenda for a special or called meeting of the Board shall be posted at least forty-eight (48) hours prior to the upcoming special or called meeting. Members of the public seeking to make public comments on matters that are germane to actional items on the agenda for any special or called meeting shall follow the procedure set for the in paragraph (b) above by completing the written notification at the City Administration office on the business day prior to the special or called meeting or at least three hours before the commencement of the special or called meeting on the day of the meeting.
- (d) The Board of Mayor and Aldermen shall allow members of the public an opportunity to comment on matters that are not germane to actionable items on the agenda for the regular meeting of the Board held on the second Tuesday of each month at the City Municipal Building, subject to the following limitations:
  - (1) Any member of the public seeking to make public comments at a public meeting of the Board of Mayor and Aldermen or any of its committees that is not germane to an agenda item or otherwise address the Board at a public meeting shall notify the City Administrator of his or her request to do so.
  - (2) When a member of the public notifies the City Administrator that he or she seeks to make public comments at a public meeting on a topic that is not germane to an agenda item, the City Administrator shall have the discretion to take any of the following actions:
    - (A) The City Administrator may seek to take action to resolve the issue(s) raised by the member of the public before permitting the public member to make public comments or address the Board or one of its committees at a public meeting.
    - (B) Before or after taking action to resolve the issues(s), the City Administrator, may arrange meeting(s) where members of the public may address the issue(s) raised with individual members of the Board of Mayor and Aldermen.
    - (C) Before or after taking action to resolve the issue(s), and before or after conducting meeting with individual members of the Board, the City Administrator may place the member of the public on the agenda for a meeting of the appropriate committee of the Board, and the member shall be permitted to appear at the assigned committee meeting to make public comments and address the committee about the issue(s) raised. Thereafter, the committee shall have the discretion to take action or direct employees of the City to address the issue(s) raised.
    - (D) If a majority of the members of the Board committee determines that the issue being raised should be addressed to the entire Board, the member of the public raising the issue shall be placed on the agenda of the Board's next work session., and the public members shall be permitted to appear at the assigned work session

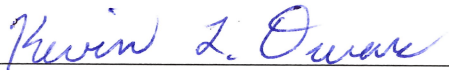
meeting to make public comments and address the Board about the issue(s) raised.

- (E) Unless the Board takes steps to place the issue(s) raised on the Board regular meeting agenda, the public member shall not be permitted to make public comments or address the Board at its regular meeting.
- (F) If the Board takes steps to place the issue(s) raised on the Board's regular meeting agenda, the member of the public raising the issue shall following the procedure set forth in Section (b) above if he or she seeks to make public comments at the Board's regular meeting.

Approved and adopted this 13<sup>th</sup> day of June, 2023.

  
\_\_\_\_\_  
Donna Hartman, Mayor

ATTEST:

  
\_\_\_\_\_  
Kevin Owens, City Clerk