

# FARMER & LUNA

A PROFESSIONAL LIMITED LIABILITY COMPANY

ATTORNEYS AT LAW

333 UNION STREET  
SUITE 300  
NASHVILLE, TENNESSEE 37201

TELEPHONE (615) 254-9146  
TELECOPIER (615) 254-7123  
www.farmerluna.com

Paula A. Flowers  
pflowers@farmerluna.com  
615-254-8859

May 17, 2007

TRANSMITTED VIA EMAIL AND U.S. MAIL

Robert D. Franklin  
City Planner  
City of Mt. Juliet  
P.O. Box 256  
Mt. Juliet, TN 37121

Re: Inquiry Regarding Robert's Rules of Order

Dear Bobby:

I have reviewed your letter of May 15, 2007. As follows please find my analysis of the questions you raised in your letter regarding the proper use of Robert's Rules of Order during meetings of the Mt. Juliet Board of Commissioners:

(a) **Board of Commissioners Meeting May 14, 2007:** Your letter states that, upon the Motion by Commissioner Bradshaw to suspend the rules to reopen Citizen's Comments to allow you to speak, the Motion carried with a favorable vote of 3-1-1. You are correct that the abstention by one member of the Board should have resulted in a successful motion upon a favorable vote by three of the four remaining members.

(b) **Board of Commissioners Meeting April 9, 2007:** Your letter asserts that the Board's Consideration of a Motion regarding the investigation of a personnel matter was procedurally flawed, because the Motion to Suspend the Rules did not indicate that this matter was to be discussed. I have not reviewed the video footage of this meeting on the City's website, and my notes do not reflect the precise language of the Motion to Suspend the rules. That being said, if a Motion to Suspend the Rules does not specify that two resolutions were to be considered, you are correct that a second motion should have been made to introduce the second matter for consideration.

May 17, 2007

Page 2

Both of these procedural errors should have been raised and reviewed during the meetings in which the procedural errors occurred. With regard to the procedural error which prevented you from speaking at the May 14, 2007 you can still address the matter, perhaps by coming forward to speak during the open Citizen's Comments period of any upcoming Board meeting.

Any member of the Board of Commissioners had the authority to move to Appeal the Decision of the Chair during these meetings. Upon such a motion, properly seconded, the members would have been allowed to debate the Chair's ruling regarding the parliamentary matter. If asked to interpret the Rules of Order, I would then have provided my opinion as to the requirements of Robert's Rules of Order. Upon the conclusion of that debate, the membership would then have taken a vote as to whether or not to sustain the Chair's decision.

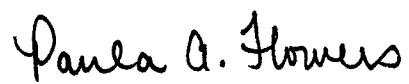
Any member of the Board of Commissioners could, alternatively, have raised a Point of Parliamentary Inquiry to determine whether the parliamentary procedure used or decision reached was correct. If that question was referred to me, I would then have provided my opinion as to the requirements of Robert's Rules of Order.

The Mt. Juliet Ordinance adopting Robert's Rules does not specify that the City Attorney serves as parliamentarian. If asked during a meeting of the Board of Commissioners, though, I feel that the City Attorney could provide an opinion as to the requirements of the Rules of Order. In any event, I do not feel that the role or authority of any parliamentarian, whether the City Attorney or not, is to interject his or her opinion on parliamentary procedure during the debate and business of the meeting. A parliamentarian serves only to provide advice or interpretations of a rule, or even if asked, to cite a rule. A parliamentarian has no authority to interrupt the process of a meeting to interject his or her opinion. The only person who can rule on parliamentary questions is the Chairperson of the meeting. If the members disagree with a parliamentary ruling of the Chair, the members must appeal that decision.

On a personal point, I must tell you that I am disappointed with the tone of your letter, and your decision to publish this letter to a member of the public. I understand that you are frustrated concerning recent events and proceedings in the City, however, your frustration is misdirected. I have no personal interest in the outcome of affairs of city business. My role is solely to provide the legal counsel requested by the City Manager, Board of Commissioners, and Department directors in accordance with the City's Charter. If you have concerns regarding my advice, your complaint is properly directed to the City Manager or to me. I hope that your letter does not indicate that you feel it will not be possible to have a professional and civil working relationship with me. I stand ready to provide you with legal counsel and services, but if you feel you are uncomfortable with this arrangement please notify me and the City Manager so we may collectively decide what arrangement is in the City's best interests.

May 17, 2007  
Page 3

Sincerely yours,

A handwritten signature in cursive script that reads "Paula A. Flowers".

Paula A. Flowers

Cc: Sheila S. Lockett, Acting City Manager (transmitted via email)  
Mt. Juliet Board of Commissioners (transmitted via email)