

**IN THE CHANCERY COURT OF SUMNER COUNTY, TENNESSEE
AT GALLATIN**

PASCAL JOUVENCE,)	
)	
Plaintiff,)	
)	
vs.)	
)	Case No.:
PAIGE BROWN, in her official capacity)	
as mayor of the City of Gallatin,)	
)	
Defendant.)	

PETITION FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

COMES NOW Plaintiff PASCAL JOUVENCE, by and through counsel, and seeks a declaratory judgment pursuant to T.C.A. § 29-14-103 that Gallatin Ordinance 25-0741 is void as Jouvence was not afforded the opportunity to deliberate and vote on such ordinance as mandated by the Gallatin City Charter. Additionally, Jouvence seeks a preliminary and permanent injunction pursuant to T.R.C.P. 65 preventing the mayor of Gallatin from arbitrarily interfering with the deliberative process of the City Council by refusing to allow a councilman to use visual aids in discussing issues which are properly before the City Council.

PARTIES

1. Plaintiff Pascal Jouvence (“Jouvence”) is the duly elected councilman of the City of Galatin for District 3 and is a resident of the City of Gallatin, Tennessee.

2. Defendant Paige Brown, who is being sued in her official capacity, is the duly elected mayor of the City of Gallatin and can be served at her principal place of business, to wit:

132 West Main Street, Gallatin, TN 37066.

FACTUAL ALLEGATIONS

3. The City of Gallatin, a municipal corporation, was created by the Tennessee General Assembly pursuant to the Private Act of 1953.

4. Pursuant to the City Charter, the corporate authority is vested in the Mayor and City Council. *See* Charter, Art. I, Sec. 3.

5. The governing body of the City of Gallatin is the City Council, which is composed of seven (7) Aldermen who are elected by the citizen of the City of Gallatin.

6. Pursuant to the City Charter, “[T]he legislative and other powers, except as otherwise provided by this charter, are hereby delegated to and vested in the City Council and the City Council may, by ordinance or resolution not inconsistent with this charter, prescribe the manner in which all powers of the city shall be exercised, provide all means necessary or proper therefor, and do all things needful within or without the city or State to protect the rights of the city.” Charter, Art. III, Sec. 6.

7. As a member of the City Council, councilman¹ take an oath that “they will support the Constitution of the United States and of the State of Tennessee and the charter and ordinances of the city, and they will faithfully discharge the duties of their offices to the best of their ability.” Charter, Art. III, Sec. 16.

8. Under the City Charter, the Council “shall serve as the legislative body of the City of Gallatin”. *See* Charter, Art. II, Sec. 2-27.

¹ Though under the Charter the members of the City Council are referred to as aldermen, colloquially, they are referred to as councilmen and, thus, this term will be used herein.

9. Under the City Charter, the Council shall “act only as a body exercising its duties and powers in sessions duly assembled and no member nor group of members thereof shall exercise or attempt to exercise the power conferred upon the city council except through proceedings adopted at some regular or special session.” See Charter, Art. II, Sec. 2-27(1).

10. Under the City Charter, the Council shall “serve as a policy making body only, and support the mayor in implementation of said policy as passed by majority vote of the council meeting in regular and special session.” See Charter, Art. II, Sec. 2-27(4).

11. As to Council meetings, the mayor of the City shall “[b]e the chief executive officer of the municipality and shall preside at meetings of the council, may introduce ordinances and resolutions and shall have a seat, a voice, a veto, in accordance with Article V, section 4 of the Charter, but no vote, except for the purposed of breaking a tie, and in the election or termination of city officials, appointed or elected by the city council under the City Charter, when he or she shall vote as other members of the council; . . .”. See Charter, Art. II, Sec. 2-46(1).

12. Under the City Charter, the Council is to meet at 6:00 p.m. on the first and third Tuesday of each month. See Charter, Art. II, Sec. 2-91.

13. Each meeting has an order of business, which includes “old business” and “new business”. See Charter, Art. II, Sect. 2-92.

14. Pursuant to the City Charter, “. . . the City Council may determine the rules of their proceedings, subject to this charter . . .” See Charter Art. III, Sect. 12.

15. Pursuant to the City Charter, “The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, will provide guidance for the orderly and efficient transaction of business by and before the City Council at its meetings, to the extent the

rules are applicable and are not inconsistent with provisions of the Charter or this Code.” See Charter, Art. II, Sec. 2-93.

16. Without any authority, the Mayor has essentially completely ignored the Robert’s Rules of Order and has merely presided over the meeting in the fashion she so chooses and, in an effort, to advance her own agenda.

17. The Mayor has engaged in practices which demonstrate that she does not respect that the councilmen are the elected representatives of the people and that under the City Charter, it is through their votes that the city ordinances are passed and the city policy is set.

18. When the Mayor does not agree or does not like the comments of a councilman, she will abruptly interrupt the councilman, try to re-direct the discussions or otherwise misuse her authority to minimize the right of the councilman to deliberate.

19. Pursuant to the Charter and ordinances, it is clear that the primary duty and responsibility of the City councilmen is to have a thorough deliberation process and according to such, vote to achieve the collective will of the people through their representatives on the Council.

20. The Mayor routinely attempts to thwart the primary function of the Council by deliberately interfering with the Council, even though she does not, in the normal course of business, have the right to vote.

21. The most blatant attempt of the Mayor to circumvent the deliberative process and interfere with the councilmen’s duty to deliberate on behalf of their constituents is seen in the fact that Mayor Brown has prevented Councilman Jouvence from using visual aids to assist in the deliberation of an issue.

22. Mayor Brown has a palpable level of disrespect and intolerance for Councilman

Jouvence's representation of his constituents as he does not share Mayor Brown's view on many issues facing the City; namely, Jouvence does not believe in unfettered and uncontrolled growth in Gallatin.

23. Mayor Brown routinely interrupts Councilman Jouvence and/or attempts to end or re-direct his comments.

24. Mayor Brown also often feigns confusion or attempts to portray Councilman Jouvence's comments as nonsensical or unproductive.

25. Mayor Brown in general does not like how Councilman Jouvence votes or his general attempts to direct the policy of the City as the Charter commissions him to do.

26. In an attempt to interfere with Mr. Jouvences duties as dictated by the City Charter, beginning in the middle of 2024, citing her authority to "run the meeting", Mayor Brown asked Councilman Jouvence to let her know when he intended to use visual aids during the council meetings.

27. Thereafter, again with no authority, Mayor Brown began demanding that he show her the visual aid before they are presented in a council meeting.

28. Initially, Mr. Jouvence complied but he soon realized it was only an effort by Mayor Brown to interfere with his duties to deliberate over the issues which came before the Council and was part of her pattern of attempting to dictate the agenda and the voting of the Council.

29. During the September 2, 2025 City Council meeting, a second reading of ordinance 025-0741, which dealt with the rezoning of the Wedgewood Town homes from R-15 residential to mixed-use, came before the Council.

30. Upon the Mayor opening up the floor for discussion, Councilman Jouvence raised

his hand to speak and was recognized.

31. Councilman Jouvence began to express concern about how the rezoning will affect the area in question and attempted to use a visual aid to demonstrate the congestion which would be caused by the rezoning. The visual aid would have shown that the proposed townhomes would be adjacent to residential homes.

32. At that time, Mayor Brown, claiming she “is in charge of the meetings”, objected to the use of the visual aid because she “was not comfortable” having not been able to preview the visual aid.

33. Councilman Jouvence correctly pointed out that the Mayor did not prevent others from using visual aids. Ignoring the truth, Mayor Brown simply announced again that “I am in charge of the meetings”.

34. Within two minutes of Mayor Brown preventing Councilman Jouvence from using a visual aid, Bryan Rose, the City Planner was allowed to use a visual aid in addressing the same issue.

35. In showing the need for the visual aid which Mr. Jouvence intended to use, shortly after Mayor Brown interfered with Councilman Jouvence’s duty to deliberate upon behalf of his constituents, one of the councilmen specifically asked, “What is going to be adjoining this? Anything on the other side? . . . I can’t remember.” The councilman went on to explain the importance of buffering between townhomes and residential homes.

36. While during the comments related to the Ordinance 025-0741, Mayor Brown did not make her opinions known, however, in comments on another zoning vote which involved apartments, Mayor Brown made it clear she supports additional apartments and townhomes in

Gallatin. Thus, she specifically targeting Councilman Jouvence comments in attempt to affect the outcome of the deliberations to her favor.

37. Councilman Jouvence explained to Mayor Brown that she was interfering with him doing his job and he would leave the meeting if he was not allowed to make his presentation. In a prime example of the Mayor's disregard of the Councilman Jouvence's integral role on the Council, the Mayor responded, "No, you are actually trying to interfere with my job which is to lead this meeting." The Mayor then claimed she had the right to be "comfortable" and she had the right to run the meeting.

38. Mayor Brown also attempted to misrepresent Councilman Jouvence's efforts. She stated multiple times that "You cannot do anything you want at a council meeting".

39. Mr. Jouvence was not trying to do "anything he wants at a council meeting"; he was trying to fulfill his duties under the Charter by engaging in the deliberative process with the use of visual aids to assist the Council in understanding the issue at hand.

40. It is Mayor Brown who believes she can do whatever she wants notwithstanding the mandates of the City Charter.

41. Given the Mayor's persistent refusal to allow Councilman Jouvence to exercise his duties as dictated by the Charter, Councilman Jouvence left the Council meeting.

42. Despite the Mayor intentionally foiling the deliberative process, she proceeded with the vote on the second reading of the ordinance, which passed 5 to 1.

43. Mayor Brown's frequent interference with Councilman Jouvence's duties as councilman has caused irreparable harm and will continue to cause irreparable harm as without robust and informed deliberations, which is determined by the councilmen, not the Mayor under

the Charter, Councilman Jouvence cannot properly represent his constituents.

CAUSES OF ACTION

COUNT I: DECLARATORY JUDGMENT

44. The previous paragraphs are hereby incorporated and adopted as if set forth fully herein.

45. “Any person interested under a deed, will, written contract, or other writings constituting a contract, or whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise and obtain a declaration of rights, status or other legal relations thereunder.” T.C.A. § 29-14-103

46. A declaratory judgment is the proper vehicle to determine the legality of ordinance passed by the City Council.

47. Plaintiff seeks a declaratory judgment that Ordinance 25-0741 is void as it was passed without the full deliberation and/or vote of Councilman Jouvence which is mandated by the City Charter.

48. Under the City Charter, “Every ordinance shall be passed on two separate votes, each vote to be on a separate day, in an open session of the City Council before it shall become effective, . . . All ordinances and resolutions shall be effective on final passage unless otherwise provided therein.” See Charter, Art. IV, Section 3.

49. Under the City charter, the Council is the legislative body and it sets the policy of the City.

50. Ordinances are passed by the Council after deliberation as governed by Roberts' Rules of Order.

51. The deliberative process is how the Council functions as a body and without it the Council cannot conduct the main objective of the Council, to wit: pass ordinances and resolutions which represent the collective will of the people through their representatives.

52. The United States form of government is a representative republic in which the power is held by the people and elected officials represent the people.

53. The primary tenet of a representative republic is that laws which govern the people are passed by the people through representatives they elect.

54. The City of Gallatin, like most governments in American, is founded on the principle of separation of powers as set forth in the City Charter.

55. The concept of separation of powers is a crucial tenant of a republican government as it ensures that not any one person or branch can overrule the will of the people.

56. "Our democracy is based on a constitutional form of government. As such, one of its basic and fundamental features is the vesting of governmental powers in three branches, the executive, legislative and judicial. It is generally acknowledged that these branches are coordinate, independent, coequal, and potentially coextensive. It has been declared that the division of governmental powers into executive, legislative, and judicial represents probably the most important principle of government declaring and guaranteeing the liberties of the people, and that it is a matter of fundamental necessity, and is essential to the maintenance of a republican form of government." *Anderson Cnty. Quarterly Court v. Judges of 28th Judicial Circuit*, 579 S.W.2d 875, 877 (Tenn. Ct. App. 1978)(citations omitted).

57. “In the theory of our government, all sovereignty is inherent in the people. The Constitution of this state expressly declares. It further declares (article 2, § 1) that ‘the powers of government shall be divided in the three distinct departments, the legislative, executive, and judicial,’ and (section 2) that no one of these departments ‘shall exercise any of the powers properly belonging to either of the others, except in the cases herein directed or permitted.’ Thus each department is limited within its own appropriate sphere. To each has been delegated by the people—whose agents they are—such portion of sovereignty as was deemed expedient. On the one hand, neither can assume the exercise of any of the powers conferred upon either of the others; nor, on the other, can either divest itself—by transfer to another department, or other subagent—of any portion of the power expressly confided to its own exercise, except in virtue of its explicit authority to that effect given by the Constitution itself.” *Richardson v. Young*, 122 Tenn. 471, 125 S.W. 664, 668 (1910).

58. Under the City Charter, the Council is part of the legislative branch and the Mayor is part of the administrative branch.

59. While the Mayor does preside over council meetings, the mayor normally does not have a vote.

60. The Mayor does have veto power, but this can be overridden and demonstrates that the concept of separation of powers is important in avoiding the concentration of power. Thus, under the City Charter, the Mayor does not play a significant role in passing legislation or setting the policy of the City.

61. Given the City Charter and the important principle of the separation of powers, if the Mayor is allowed to thwart or unduly interfere with the deliberative process, she is violating

City Charter and principal of separation of powers found therein and, thereby, is interfering with the right of the people to only be governed by laws which are passed by their representatives.

62. The importance of the public deliberative process is seen in the fact that under the Charter, the Robert's Rules of Order sets forth an elaborate system to have a robust, but orderly debate and, thereafter, pass legislation.

63. Indeed, the public deliberative process is enshrined in the Open Meetings Act found at Tenn. Code Ann. §8-44-101 et seq., as it strictly prohibits two or more members of a governmental body from deliberating outside a public meeting which has been properly noticed. The corollary to this is that government bodies must deliberate in public before voting on any matter which comes before them.

64. On September 2nd, 2025, and previously, Mayor Brown intentionally interfered with the deliberative process in an attempt to hijack the legislative duties of the Council.

65. On September 2nd, 2025, the issue of approving townhomes next to residential lots was on the agenda in the form of the second reading of the Ordinance 25-0741.

66. Historically, Mayor Brown has advocated for more apartments and townhomes in Gallatin and, thus, she was in support of the ordinance at issue.

67. Historically, Councilman Jouvence has only been for responsible growth and in this case he had genuine concerns about building townhomes next to residential lots.

68. It was crucial to the deliberative process that Councilman Jouvence demonstrate to the Council of the congestion and the incongruity of approving the lots with a visual aid.

69. Mayor Brown realized the persuasiveness of a visual aid and therefore intentionally prevented Councilman Jouvence from using a visual aid with an intent of

interfering with the deliberative process and minimizing Councilman Jouvence role with respect to voting on this issue.

70. Mayor Brown's actions unlawfully interfered with the deliberative process and, thus, Ordinance 25-0741 was passed in violation of the law.

71. As Mayor Brown's repeated efforts to unlawfully interfere with the deliberative process will likely continue, Plaintiff additionally seeks a declaratory judgment finding that Mayor Brown does not have the right or authority to prevent a member of the council from using visual aids during the deliberative process.

COUNT II: INJUNCTIVE RELIEF

72. The previous paragraphs are hereby incorporated and adopted as if set forth fully herein.

73. Rule 65 of the Tennessee Rules of Civil Procedure affords this Court authority to issue preliminary injunctions or temporary restraining orders which describe in detail the act or acts restrained or required.

74. Plaintiff seeks a preliminary and permanent injunction prohibiting Mayor Brown from preventing councilmen from using visual aids during the deliberative process.

75. Plaintiff should be granted a temporary injunction as a likelihood exists that Plaintiff will prevail on the merits of this matter as it is axiomatic that the Mayor as a member of the administrative branch cannot use means and methods such as interfering with the deliberative process to affect the duties exclusive to the legislative branch, to wit: the Council.

76. The Mayor's continued unlawful interference with the deliberative process will result in irreparable harm as ordinances will be passed in violation of the City Charter and

without the full representation of the elected officials on the Council.

77. The granting of the injunction sought herein will not cause substantial harm to others as it cannot be argued with any sincerity that having ordinance passed lawfully would cause substantial harm to any citizen; to the contrary, it will ensure that the citizens of Gallatin are properly represented through their elected officials on the Council.

78. Plaintiff further avers that a temporary restraining order is in the public interest as it will ensure the concept of separation of powers and representative government are unencumbered by the Mayor.

79. Plaintiff will request a hearing on his application for a preliminary injunction by separate motion.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that proper process issue and be served upon Defendant as required under the law, requiring Defendant to answer the Complaint within the time prescribed by law and pursuant to a trial in this matter, a final judgment as follows:

1. A declaratory judgment that Ordinance 25-0741 is void as it was not passed pursuant to the City Charter.
2. A preliminary and permanent injunction enjoining Mayor Brown from preventing councilmen from using visual aids during the deliberative process of the Council or otherwise unduly interfering with the deliberations of the Council;
4. That the Defendant be required to pay the Plaintiff's discretionary costs, attorney's fees and court costs of this action;
5. For any other general and further relief as may be considered by this Court and as

justice may require.

Respectfully submitted,

SOVEREIGNTY LEGAL FOUNDATION

/s/Kirk L. Clements

KIRK L. CLEMENTS, BPR NO. 20672

Attorney for Plaintiffs

105 Broadway, St. 2

Nashville, TN 37201

615-964-8000

615-953-1902 (fax)

kirk@kirkclementslaw.com