

SUBSTITUTE RESOLUTION NO. RS2023-2062

A resolution directing the Metropolitan Planning Department to prepare a two Council redistricting plans for review by Council consisting of ~~17 district councilmembers and 3 councilmembers at-large~~ to comply with state law; requesting the Metropolitan Planning Commission to hold the necessary meeting(s) to approve the redistricting plan; and requesting the Vice Mayor to call any special Council meeting(s) that may be required to effectuate the redistricting plan.

WHEREAS, Senate Bill No. 87 and House Bill No. 48, recorded with the Secretary of State as Chapter 21 of the Public Acts of 2023 (the "Act"), approved by the Tennessee General Assembly and signed into law by the Governor on March 9, 2023, limits the size of the membership of a metropolitan council to no more than 20 members; and

WHEREAS, the ~~Metropolitan County Council has determined that the makeup of the membership of the existing governing body should be as consistent as practicable with provided for in the Metropolitan Charter, adopted by referendum in 1962 —which provides for consists of 35 district council members and 5 at-large council members—by maintaining both district members and at-large members; and~~

~~WHEREAS, in conformance with the Act's mandate to reduce the size of the Metropolitan Council to no more than 20 members, the Metropolitan County Council has determined that the appropriate number of council members should be 17 district council members and 3 at-large council members; and~~

WHEREAS, due to the time restraints presented by the Act, the Council desires that the Planning Department prepare maps based upon multiple proposed configurations of the reduction of the Metropolitan Council to no more than 20 members; and

WHEREAS, the Council requests the Planning Department prepare maps consisting of 17 district council members and 3 at-large council members and 15 district council members and 5 at-large councilmembers; and

~~WHEREAS, the Act provides that the reduction to the size of a metropolitan council is to take effect as of the next general metropolitan election after the effective date of the Act; and~~

~~WHEREAS, the next general metropolitan election is scheduled for August 3, 2023; and~~

WHEREAS, the Act provides that within 30 days of the effective date of the Act, the metropolitan planning commission shall establish district boundaries using the most recent federal census to ensure that a reapportionment maintains substantially equal representation based on population and otherwise complies with the United States and Tennessee constitutions and state and federal law; and

WHEREAS, the Act further provides that upon approval of the council districts by the Planning Commission, the Metropolitan County Council as currently constituted shall approve the new council district boundaries (the "Redistricting Plan") by resolution on or before May 1, 2023; and

WHEREAS, in order to comply with the timelines set forth in the Act, it is necessary for the Planning Commission to submit the Redistricting Plan to the Metropolitan County Council with all deliberate speed, but in no event later than April 8, 2023, to comply with the Act, in order to permit sufficient time for candidates running for district and at-large seats under the Redistricting Plan to qualify with the Davidson County Election Commission; and

WHEREAS, the Metropolitan County Council is of the understanding that the Metropolitan Director of Law, on behalf of the Metropolitan Government of Nashville and Davidson County ("Metropolitan Government"), intends to file a complaint challenging the legality of the Act, the result of which could impact implementation of the Redistricting Plan; and

WHEREAS, the Metropolitan County Council is required to comply with applicable Tennessee laws, including the Act, unless and until a court rules that compliance is not necessary; and

WHEREAS, the Act specifically authorizes legislative action by resolution if necessary to effectuate the provisions of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. The Metropolitan County Council hereby directs the Metropolitan Planning Department to immediately prepare ~~the Redistricting Plan~~ consisting of 17 district councilmembers and 3 councilmembers at-large and 15 district council members and 5 at-large councilmembers using the most recent federal census to ensure that a reapportionment maintains substantially equal representation based on population and otherwise complies with the United States and Tennessee constitutions and state and federal law.

Section 2. It is the intent of the Metropolitan County Council to act in a manner consistent with state law. In the event a court of competent jurisdiction issues an injunction or stay or otherwise rules that the Act is not legally binding on the Metropolitan Government, the existing membership consisting of 35 districts and 5 at-large positions shall be maintained per the Metropolitan Charter.

Section 3. The Metropolitan Planning Commission is requested to hold the meeting(s) necessary to approve the Redistricting Plan, including, but not limited to, special called meetings.

Section 4. The Metropolitan Vice Mayor is requested to call special meeting(s) of the Metropolitan County Council in accordance with Section 3.04 of the Metropolitan Charter to consider legislation necessary to conform with the provisions set forth in the Act ~~so that the next general metropolitan election, scheduled for August 3, 2023, will include elections for metropolitan council members.~~

Section 5. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Kyonzté Toombs
Member of Council