



Metropolitan Council

PROPOSED AMENDMENTS PACKET FOR THE COUNCIL MEETING OF TUESDAY, JANUARY 5, 2021

RESOLUTION NO. RS2021-__

A Resolution expressing the Council's intent for the parcels included in Ordinance No. BL2020-491, which extended the boundaries of the Urban Services District, be included on the tax rolls for 2021.

WHEREAS, on December 15, 2020 the Metropolitan Council enacted Ordinance No. BL2020-491, which extended the boundaries of the Urban Services District (USD) within the jurisdiction of the Metropolitan Government of Nashville and Davidson County to include certain properties located in Council District 3 and approved the Plan of Services for this extension; and

WHEREAS, language in the enacting clause of this ordinance stated that the ordinance takes effect 30 days after its final passage; and

WHEREAS, there is no mandated waiting period under state law for the extension of a tax district such as this; and

WHEREAS, the Metropolitan Council's intent is for the parcels included in BL2020-491 be included on the tax rolls for 2021.

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

Section 1. That the Metropolitan County Council hereby goes on record as expressing its intent that the parcels included in Ordinance No. BL2020-491, which extended the boundaries of the Urban Services District, be included on the tax rolls for 2021.

Section 2. This Resolution shall take effect from and after its passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Jennifer Gamble
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2021-594

Mr. President –

I hereby move to amend Ordinance No. BL2021-594 by adding the following recital between the second and third recital:

WHEREAS, a federal study of pedestrian/vehicle crashes in the US shows that collisions at an impact speed of 23 miles per hour are half as likely to cause pedestrians severe injury or death as collisions at 31 miles per hour; and

SPONSORED BY:

Burkley Allen
Member of Council

SUBSTITUTE ORDINANCE NO. BL2020-553

An ordinance to require a resolution of the Metropolitan Council 30 days prior to discontinuing operations at the ~~Bordeaux Long Term Care Facility, the J.B. Knowles Home Assisted Living Facility, or Nashville General Hospital.~~

WHEREAS, the truest measure of any of any society can be found in how it treats its old, its poor, its weak, and its helpless; and

WHEREAS, the City of Nashville has a long and proud history of providing care and comfort to our most vulnerable residents; and

WHEREAS, the ~~Bordeaux Long Term Care Facility have provided care to important, yet aged and infirm residents for decades~~ sale of J.B. Knowles Home Assisted Living Facility ("Knowles") and its campus did not occur pursuant to Ordinance No. BL2014-688, as amended; and

WHEREAS, ~~some would allow short term financial expediency to replace our bounded duty to provide care to the current residents of these Metro owned facilities~~ Knowles is currently operated by AnthemCare Tennessee LLC, a private operator; and

WHEREAS, ~~the relocation of residents and patients with preexisting conditions during a pandemic is at best ill advised, and at worst places each patient and resident at significant risk of an adverse health outcome, or even death~~ no long term plan has been provided for the continued existence of Knowles; and

WHEREAS, ~~the relocation of patients and residents from long term care facilities is well known to result in transfer trauma to said patients and residents even in the best of times and under the most carefully planned and coordinated circumstances~~ the Council desires to continue the care provided by Knowles until a long term plan is reviewed and approved by the Council; and

WHEREAS, ~~in addition, the circumstances at the Bordeaux Long Term Care Facility have highlighted the need for continuation of the care provided by the J.B. Knowles Home Assisted Living Facility and Nashville General Hospital;~~ and

WHEREAS, the Metropolitan Council has determined that it is in the best interest of the Metropolitan Government that the important care currently being provided to citizen of Nashville at the Bordeaux Long Term Care Facility should continue uninterrupted until the SARS CoV-2 pandemic has subsided and a safe and humane plan for relocation of patients and residents to other locations is reviewed and approved by Council. Further, care provided at the J.B. Knowles Home Assisted Living Facility continue. Any action that would interrupt care at the facility must be reviewed and approved by the Council and Nashville General Hospital should be reviewed and approved by Council prior to any actions that would interrupt care at either institution.

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

Section 1. All care being provided to patients and residents at the ~~Bordeaux Long Term Care Facility, J.B. Knowles Home Assisted Living Facility, or Nashville General Hospital as of December 31, 2019,~~ shall be continued ~~more or less as the same was occurring on December 31, 2019~~ unless the elimination of such services is approved by the Metropolitan Council by a resolution receiving twenty-one (21) affirmative votes, after a public hearing. Likewise, no wind down or other processes or preparations intended to prepare ~~one of these facilities~~ the facility for closure shall occur until 30 days after the public hearing and affirmative Council vote.

Section 2. The resolution shall be accompanied by a detailed plan for the safe and humane relocation of patients and residents to other locations qualified and willing to accept the same. The plan shall be made available to patients and residents, and their families at least 30 days prior to the public hearing.

Section 3. While it is the intent of the Metropolitan Council that ~~the Bordeaux Long Term Care Facility, the J.B. Knowles Home Assisted Living Facility, and Nashville General Hospital~~ operate on the revenues generated by such functions at no cost to the general government, in the event ~~that revenues generated at one of these institutions are insufficient for the operation and maintenance of the facilities until a closure plan is approved by Council, the Council intends to appropriate the necessary funds to cover any shortfall by the services provided with no subsidy from Metro's general fund, the Council intends to continue the current budgeted subsidy until a long term plan is reviewed and approved by the Council.~~

Section 4. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Kyonzté Toombs
Member of Council

SUBSTITUTE ORDINANCE NO. BL2020-582

An ordinance amending Section 13.08.080 of the Metropolitan Code of Laws to pertaining to the use of License Plate Scanner (LPR) Technology in the public rights-of-way.

WHEREAS, the use of license plate readers in Davidson County represents a significant intensification of resident surveillance; and

WHEREAS, license plate readers have the functionality to scan the license plate of a vehicle and store it in a searchable database alongside a photo of the vehicle's occupants, and the time and location of the record; and

WHEREAS, data from license plate readers is subject to Tennessee's Public Records Act, making this database available to all Tennessee residents, including would-be stalkers, harassers, domestic terrorists, and other criminals; and

WHEREAS, this information can be used to surmise the movements of potential targeted individuals, determine traffic patterns around a targeted location at specific times, and conclude when homes are most likely vacant; and

WHEREAS, the Vallejo (California) Police Department found that 37 percent of "hits" from fixed license plate readers were, in fact, misreads; and

WHEREAS, one such misread in Colorado led police to approach four Black children, ages six to 17, at gunpoint, force them lie on their stomachs on the pavement, and handcuff two of them; and

WHEREAS, there are recorded instances of law enforcement agencies misusing license plate readers; and

WHEREAS, in one of these instances, law enforcement used license plate readers to determine who attended political rallies of both parties and the 2008 Presidential Inauguration, and they retained that data until the practice was identified and they were compelled to delete the data three years later; and

WHEREAS, in one of these instances, U.S. Immigration and Customs Enforcement (ICE) obtained license plate reader data and used it to target deportations; and

WHEREAS, in one of these instances, law enforcement used license plate readers to surveil Muslim communities; and

WHEREAS, in one of these instances, law enforcement used license plate readers to target suspected gang members despite such lists being notoriously unreliable; and

WHEREAS, in one of these instances, a police lieutenant pleaded guilty to using license plate reader data to blackmail patrons of a bar frequented by members of the LGBT community; and

WHEREAS, the Associated Press found records showing rogue law enforcement officers have used confidential data to track love interests and journalists; and

WHEREAS, a recent study published by the United States Department of Justice found "significantly lower levels of trust in police" among test subjects who encountered mentions of law enforcement using license plate readers as compared to a control group; and

WHEREAS, license plate readers can lead criminals to modify their behavior, such as stealing plates with greater frequency or obscuring their license plates, to thwart any benefit of these devices; and

WHEREAS, current ordinances allow law enforcement to use mobile license plate readers such as those located on or within police vehicles; and

WHEREAS, the abuse of license plate reader data can be mitigated by limiting reader use to those that are mobile in nature and by implementing policies that regulate the use of mobile readers.

~~WHEREAS, license plate scanner technology has been deployed safely and effectively across the country, including in Tennessee; and~~

~~WHEREAS, license plate scanner technology is an objective tool used to identify the letters and numbers contained on a publicly displayed, government issued, license plate; and~~

~~WHEREAS, it is in the public interest to permit the use of this technology subject to a reasonable privacy framework that ensures the protection of civil liberties.~~

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

Section 1. That Section 13.08.080 of the Metropolitan Code is hereby amended by adding the following new Subsection H and by renumbering the existing Subsection H to Subsection I:

H. Notwithstanding any provision of this section to the contrary, a license plate reader (LPR) may be used by the Metropolitan Nashville Police Department (MNPD) as follows:

1. An LPR shall be used for the sole purpose of recording and checking license plates and shall not be capable of photographing, recording, or producing images of the occupants of a motor vehicle.
2. LPR operation and access to LPR collected data shall be for official law enforcement purposes only. LPRs shall only be used to scan, detect, and identify license plate numbers for the purpose of identifying:
 - a. Stolen vehicles.
 - b. Vehicles associated with wanted, missing, or endangered persons.
 - c. Vehicles registered to a person against whom there is an outstanding warrant.
 - d. Vehicles registered to persons suspected of criminal or terrorist acts.
 - e. Vehicles involved in case-specific criminal investigative surveillance.
 - f. Vehicles involved in homicides, shootings, and other major crimes or incidents.
 - g. Vehicles in the vicinity of a recent crime that may be connected to the crime.
3. Prior to stopping a vehicle based on an LPR hit, the officer shall visually verify that the license plate on the list matches the digital image displayed on the LPR.
4. Records of license plates read by each LPR shall not be recorded or transmitted outside the LPR system and shall be purged from the LPR system within 3 minutes of their capture in such a manner that they are destroyed and are not recoverable, unless it results in a match with a vehicle falling within paragraph 2 above. Records of license plates that are matched by an LPR shall be purged from the LPR system within one hour of their capture in such a manner that they are destroyed and are not recoverable, unless the match results in an arrest, a citation, or protective custody, or identified a vehicle that was the subject of a missing person or wanted broadcast, in which case the data on the particular license plate shall be destroyed at the conclusion of either (1) an

investigation that does not result in any criminal charges being filed; or (2) any criminal action undertaken in the matter involving the captured plate data. Captured license plate data obtained for the purposes described in paragraph 2 above shall not be used or shared for any other purpose.

5. Access to LPR records shall only be allowed on a case-by-case basis, for legitimate law enforcement investigative, prosecution, or audit verification purposes. All inquiries of LPR records shall be recorded for purposes of an audit trail and maintained by the law enforcement agency in the same manner as criminal history logs.
6. To ensure compliance with the provisions of this section or to investigate complaints of misuse of an LPR or LPRs, the district attorney general, or a designee, or the public defender, or a designee, may examine and audit any LPR, any server used to store LPR data, and any records pertaining to the use of LPRs. If the district attorney general or the public defender believes that an LPR or LPRs have been used in violation of this section, either or both may send a letter to the Metro Council requesting suspension of the use of an LPR or LPRs for the purposes of investigation, to prevent ongoing violations, or to deter future violations. The Metro Council may grant such a request by resolution.
7. MNPD shall report to the Metropolitan Council quarterly, beginning no more than six months from the date equipment is deployed, the following information compiled since the end date of its most recent report:
 - a. The number of LPRs in use.
 - b. The number of matches made by the LPR.
 - c. The number of matches that identified vehicles and individuals sought by law enforcement and that resulted in stops of vehicles or individuals.
 - d. The number of matches that resulted in searches of vehicles and individuals, releases, arrests, or other outcomes.
 - e. Other information requested by the Metropolitan Council by resolution.

Section 1. ~~That Section 13.08.080 of the Metropolitan Code is hereby amended by deleting the existing language in subsection G and substituting in lieu thereof:~~

~~G. Except as provided in subsection I. of this section, any department of the Metropolitan Government, either directly or through contractors acting at the department's direction, wishing to acquire or enter into an agreement to acquire license plate scanner (LPR) technology and/or install or operate them onto or within the public rights-of-way, shall comply with the following requirements and restrictions:~~

~~1. A usage and privacy policy shall be implemented in order to ensure that the collection, use, maintenance, sharing, and dissemination of LPR information is consistent with respect for individuals' privacy and civil liberties. The usage and privacy policy shall be posted on the department's website, and shall include the following:~~

~~(a) The authorized purposes for using the LPR system and collecting LPR information, which shall be limited to the following: investigating and prosecuting criminal offenses, detecting and parking civil traffic or parking offenses, operating a smart parking or curb management program, and assisting in missing persons cases including Amber and Silver Alerts.~~

~~i. Law Enforcement Agencies must have reasonable suspicion that a criminal offense, or a civil traffic or parking offenses, has occurred before examining collected license plate reader data that was collected more than one hour prior to the examination. Further, Law Enforcement Officers shall not examine license plate reader data that was collected more than one hour prior to the examination in order to generate reasonable suspicion,~~

~~ii. Whenever a license plate reader alerts on a plate, law enforcement, before taking any action, must confirm visually that a plate matches the number and state identified in the alert, confirm that the alert is still active by calling dispatch and, whether the alert pertains to the registrant of the car and not the car itself.~~

~~(b) A description of the employees or contractors who are authorized to use or access the LPR system or to collect LPR information.~~

~~(c) A description of the steps taken to restrict the information obtained through the LPR system to that which is strictly necessary to implement the purposes in subsection G.1(a) of this section and limited to the contents of only the license plate and, to the extent possible, excluding identifying information of the driver and passengers.~~

~~(d) A description of how the LPR system will be monitored to ensure the security of the information obtained.~~

~~(e) The purposes of, process for, and restrictions on the sharing of LPR information to other persons, which must be in accordance with the purposes identified in subsection G.1(a) of this section.~~

~~(f) A description of the measures used to ensure the accuracy of LPR information and to correct data errors.~~

~~(g) The length of time LPR information will be retained, limited to the terms outlined in subsection G.4 of this section.~~

~~2. The installation and maintenance of LPR hardware and software, as well as LPR data access, retention, and security, shall be managed by an LPR Custodian ("Custodian"), who will assign personnel under their command to administer the day to day operation of the LPR system as defined below. The Custodian's name shall be provided on the department's website. The Custodian shall be the administrator of the LPR system and shall be responsible for developing guidelines and procedures regarding the department's use of its LPR system, including, but not limited to:~~

~~(a) Establishing and maintaining reasonable security procedures and practices, including operational, administrative, technical, and physical safeguards, to protect LPR information from unauthorized access, destruction, use, modification, or disclosure;~~

~~(b) Maintaining a list of the name and job title of all users who are authorized to use or access the department's LPR system;~~

~~(c) Developing training requirements for and ensuring training of authorized users on the operations of, and usage and privacy policy for the department's LPR system;~~

~~(d) Developing procedures and a regular timetable for conducting audits of LPR system usage, including audits of user searches;~~

~~(e) Developing procedures for, and ensuring the proper retention and destruction of, the agency's LPR data;~~

~~(f) Ensuring that this policy and its related procedures are posted conspicuously on the department's public website; and~~

~~(g) Managing the relationship with the LPR provider, which shall include ensuring that:~~

~~(1) The provider meets all contractual obligations;~~

~~(2) The system is maintained as per Service Level Agreements;~~

~~(3) Log retention is adequate; and~~

~~(4) Data ownership is clearly understood.~~

~~3. Access and use of the department's LPR system is strictly restricted to the authorized users, as outlined below:~~

~~(a) Authorized users must receive appropriate supervisory approval, as determined by the Custodian, prior to receiving LPR system access.~~

~~(b) Access shall only be approved for designated personnel whose roles require them to use the LPR system, and LPR system access shall be further limited to those tasks within the employee's job responsibilities.~~

~~(c) Personnel authorized to use the department's LPR system as defined in subsection G.3.(b) of this section shall be specifically trained in the system, and the usage and privacy policy prior to receiving account access including, but not limited to:~~

~~i. Applicable local, state, and federal laws;~~

~~ii. Applicable policies, including the usage and privacy policy;~~

~~iii. Functionality of the equipment;~~

~~iv. Authorized and prohibited uses;~~

~~v. Accessing data;~~

~~vi. Safeguarding password information and data;~~

~~vii. Data sharing policies and procedures; and~~

~~viii. Reporting breaches, errors, and other issues.~~

~~(d) Authorized user accounts which are inactive for a period of nine months will be disabled automatically. Authorized users with disabled accounts must be retrained in the LPR system, usage, and privacy policies prior to having their accounts reinstated.~~

~~(e) Users found to have used the LPR system without authorization, with improper credentials, or in a manner not authorized by these policies shall have their access immediately revoked and may face disciplinary action in accordance with applicable civil service policies, up to and including termination.~~

~~4. LPR data, including but not limited to license plate number, vehicle description, location and date/time stamp shall not be retained for more than 30 days unless it is evidence in a criminal offense or civil traffic or parking offense, subject to a properly issued warrant, subpoena, public records request or court order, or where the department has been instructed to preserve such data by the Metropolitan Department of Law in relation to pending litigation or anticipated litigation.~~

~~(a) Any data unrelated to an ongoing investigation, or current or possible litigation shall be automatically deleted after 30 days.~~

~~(b) Users who wish to preserve LPR data for longer than 30 days shall make a written request to their supervisor including the investigation number and purpose for preservation and, upon~~

~~approval, such LPR data will be preserved along with a note in the record stating the reason for preservation and related investigation number.~~

~~5. The LPR Custodian shall perform an audit of the LPR system and its access history on a regular basis, not less than one time per year. The department shall maintain an audit trail of access to the system for a period of not less than three years, which will include the following:~~

~~(a) The date and time the information is accessed.~~

~~(b) The license plate number or other data elements used to query the LPR system, if such data elements are not deleted per subsection G.4 of this section. Data exempt from deletion under subsection G.4., such as data that will be used as evidence in a criminal offense or civil traffic or parking offense, must be preserved for the audit trail pursuant to this subsection.~~

~~(c) The username of the person who accessed the information.~~

~~(d) The purpose for accessing the information.~~

~~6. To the extent consistent with state or federal law, the department's stored LPR data may only be shared with other law enforcement agencies using the following procedures:~~

~~(a) The agency making the request for the LPR data shall submit in writing:~~

~~i. The name of the agency;~~

~~ii. The name and title of the person requesting the information;~~

~~iii. The intended purpose of obtaining the information; and~~

~~iv. An agreement to adhere to the applicable provisions of this usage and privacy policy.~~

~~(b) The request shall be reviewed and approved by the Custodian before the requested access is granted.~~

~~(c) If the requested search generates results, the Custodian or his or her designee must verify that the results are relevant to the request made prior to sharing the LPR data.~~

~~(d) The department shall not share any data with any agency that uses that data in a manner broader than allowed by this policy.~~

~~(e) Records of all approved requests, including a record of which account was used to provide the search results, must be maintained for a period not less than three years.~~

~~7. To protect against racial and ethnic bias in the use of LPRs, any time a motor vehicle is stopped based on data analysis performed by an LPR:~~

~~A. The law enforcement officer who effectuated the stop shall record and provide to their precinct for record keeping and reporting purposes:~~

~~i. The date, time, and precise location of the stop;~~

~~ii. Any investigative or enforcement actions that were taken subsequent to the stop, including without limitation: an arrest; a search of a vehicle, driver, or passenger; the issuance of a new ticket, fine, or fee; or the enforcement of an existing ticket, fine, or fee;~~

~~iii. The self-identified race(s) and ethnicities of the driver of the stopped motor vehicle, if voluntarily provided by the driver following the law enforcement officer's request.~~

~~a. The race and ethnicity identification categories provided to the driver for selection by the law enforcement officer shall be the same as those under present use by the United States Office of Management and Budget (OMB).~~

~~B. No later than March 1 of each year, the police department shall report to the Metropolitan Council, and shall make publicly available upon the department's website, all of the data collected pursuant to this subsection Section G.7.A, by precinct, from the previous calendar year. The reported data shall include no other personally identifiable information.~~

~~8. Failure of an employee to comply with the foregoing policies shall be grounds for disciplinary action in accordance with applicable civil service policies, up to and including termination.~~

~~9. LPR data shall only be disclosed in accordance with state and federal law.~~

~~10. LPR data obtained from a privately owned or operated LPR system may be used for the purposes authorized in subsection G.1., provided the data is voluntarily provided by the owners or operators of said LPR systems. The Custodian shall develop policies and procedures for requesting, protecting, and retaining this data that are consistent with the intent of subsections G.2., G.3., and G.4.~~

~~Section 2. That Section 13.08.030 of the Metropolitan Code is hereby amended by adding the following new subsection I.:~~

~~I. In addition to the provisions of subsection G. of this section, license plate scanner technology shall be allowed if all of the follow requirements are met:~~

~~(a) The license plate scanner is used solely and exclusively in conjunction with a vehicle emissions sensor as part of an emissions inspection program authorized under local, state or federal law;~~

~~(b) The data from the license plate scanner and vehicle emissions sensor is used solely and exclusively for purposes of determining compliance with vehicle emissions standards and aggregating data in a manner which does not allow the identification of a person or persons;~~

~~(c) A determination by the vehicle emissions sensor that a vehicle identified by the license plate scanner is not in compliance with applicable emissions standards shall not lead to any penalty or punitive action against the registered vehicle owner;~~

~~(d) No fewer than two such license plate scanners shall be in operation within Davidson County at any given time; and~~

~~(e) Data that can be used to pair a specific vehicle's license plate number, VIN, or other unique identifier with a specific geographic location shall not be retained for more than one week.~~

~~Section 23. That this ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.~~

SPONSORED BY:

Dave Rosenberg
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-586

Mr. President –

I hereby move to amend Ordinance No. BL2020-586, Section 4, as follows:

Section 4. The Metropolitan Council hereby requests Mayor Cooper’s administration to submit a plan to the Metropolitan Council for the Knowles Home Assisted Living facility, whether that be for continued operation as an assisted living facility or some other purpose, within 180 days of the completion of an RFP process for the continued operation of the Knowles Home Assisted Living facility or one year from the effective date of this Ordinance, whichever occurs first.

SPONSORED BY:

Kyonzte Toombs
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-587

Mr. President:

I move to amend Ordinance No. BL2020-587 by amending Section 1 by adding a new sentence prior to the last sentence as follows:

Section 1. That, upon the death of a current or former elected Metropolitan official, including a current or former member of the Metropolitan County Council, the Metropolitan Government of Nashville and Davidson County shall require that a flag of the Metropolitan Government be presented to the family of the elected official. The presentation of such flag may include presentation at the funeral of such elected official. The family may request that such presentation be made by a uniformed police officer. If so requested, presentation by a uniformed police officer shall be at the discretion of the Chief of Police. The Metropolitan Government shall absorb any costs associated with the presentation of such flag.

SPONSORED BY:

Burkley Allen
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-494, AS AMENDED

Mr. President –

I hereby move to amend Ordinance No. BL2020-494, as amended, by deleting Section 2 in its entirety and substituting in lieu thereof the following:

Section 2. That Section 13.08.080 of the Metropolitan Code is hereby amended by adding the following new subsection I.:

I. This section shall not apply to the use of license plate scanners by law enforcement for the purpose of enforcing state and local laws pertaining to reckless driving, including but not limited to the prosecution of persons engaged in illegal drag racing activity at speeds in excess of 70 miles per hour, and for identifying stolen license plates used on vehicles driving recklessly. Unless specifically authorized herein, license plate readers shall not be used for any other purpose, including but not limited to surveillance. Any data collected shall be safeguarded to ensure such data is encrypted and, to the extent permitted by Tennessee law, is not accessible to individuals or entities unrelated to the investigation or prosecution of reckless driving and illegal drag racing. To the extent permitted by law, any data collected will belong the Metropolitan Nashville Police Department and cannot be sold to any third party. License plate scanners used for this purpose shall be limited to use along arterial streets and controlled access highways, including exit and entrance ramps. To the fullest extent permitted by state law, license plate data shall only be retained during the pendency of the prosecution and shall be destroyed following the final disposition of the case. To the extent permitted by Tennessee law, the data captured by these license plate scanners shall not be held for more than 30 days unless the data is retained or stored as part of an ongoing investigation, and in that case, the data shall be destroyed at the conclusions of either (1) an investigation that does not result in any criminal charges being filed; or (2) any criminal action undertaken in the matter involving the data. The data captured by the license plate scanners shall be shared with law enforcement outside of Metropolitan Nashville and Davidson County only to the extent necessary to investigate violations of state and local laws pertaining to reckless driving and illegal drag racing activity at speeds in excess of 70 miles per hour, including the identification of stolen license plates. If such data is shared with law enforcement outside of Metropolitan Nashville and Davidson County, the Metropolitan Nashville Police Department shall post notification of such on its website within 15 days after sharing. Two members of the Metropolitan Council, as determined by the Council, and one member of the Community Oversight Board, as determined by the Board, shall have access to the audit information or audit log of collected data to ensure compliance with this subsection. This subsection shall be null and void 180 days after the effective date of this subsection, unless extended by resolution of the metropolitan council. This provision, commonly known as a "sunset provision," is included to ensure that the effectiveness and necessity of this section is reviewed by the metropolitan council after its adoption.

SPONSORED BY:

Joy Styles
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-550

Mr. President –

I. I hereby move to amend Ordinance No. BL2020-550 by amending Section 4, as follows:

Section 4. That Section 2.222.030, Subsection C, of the Metropolitan Code of Laws is hereby ~~amended as follows~~ amended by deleting the subsection in its entirety and substituting in lieu thereof the following:

C. Annual benefits disclosures. In addition to the foregoing, each employee included in subsection A of this section shall file a benefits report, in form and substance as attached below, with the metropolitan clerk on or before January 31 for the year ended December 31 of the preceding year. The benefits disclosure statement shall include anything of value received by the employee during the previous year other than donations in connection with political campaigns made and reported in compliance with Tennessee election laws.

1. Said benefits report may be filed either electronically or in written paper form. The metropolitan clerk, working with the department of information technology services, shall develop a method for electronic filing through the clerk's website.

2. For benefits reports filed in paper form, the report must be personally signed by the employee and attested under penalty of perjury as being true to the best of that employee's information and belief.

~~2.3.~~ For benefits reports filed electronically, the report must include the printed first and last name of the employee who shall indicate on the form under penalty of perjury that the information contained therein is true to the best of that employee's information and belief.

4. The annual disclosure statement shall require the information set forth in the following form:

ANNUAL BENEFIT REPORTING STATEMENT

EMPLOYEE NAME: _____

For the year ending December 31 _____ (year).

Use additional sheets of paper as necessary.

Instructions:

List Anything of Value you have received, as defined in Chapter 2.222 of the Metropolitan Code of Laws.

Benefit type may be described by reference to the following abbreviations:

M = Meals, food, and beverage items

A = Admissions, tickets to events, or other access (including parking)

T = Travel expense

O = Other (describe)

Source: Date: Benefit Type and Description: Value:

Under penalty of perjury, the information contained herein is true to the best of my information and belief.

Signature of Employee

Date

II. I further move to amend Ordinance No. BL2020-550 by adding a new Section 5 and renumbering the remaining sections accordingly:

Section 5. That Section 2.222.030, Subsection B.4.8, of the Metropolitan Code of Laws is hereby amended as follows:

Do you or your spouse have any debts in excess of \$5,000 which are secured by a guarantee or collateral of any individual other than a family member or a relative by blood or marriage?

_____ Yes _____ No

If Yes, describe each: _____

Under penalty of perjury, the information contained herein is true to the best of my information and belief.

Signature of Employee

Date

SPONSORED BY:

Courtney Johnston
Member of Council