



Metropolitan Council

**PROPOSED AMENDMENTS PACKET
FOR THE COUNCIL MEETING OF
TUESDAY, JUNE 1, 2021**

AMENDMENT NO. ____
TO
RESOLUTION NO. RS2021-965

Mr. President –

I hereby move to amend Resolution No. RS2021-965 by amending Section 6 as follows:

SECTION 6. The Nashville District Management Corporation Board (the “Board”) is authorized to appoint and approve a ~~five~~six-member committee of retail business operators from the Downtown CBID to advise the Board on the delivery of additional safety and cleaning services. The committee should initially consist of representatives from two hotels with retail businesses, a Second Avenue retail business, a Broadway retail business, ~~and an attraction retail business,~~ and an at-large retail representative.

SPONSORED BY:

Freddie O’Connell
Member of Council

AMENDMENT NO. ____
TO
RESOLUTION NO. RS2021-966

Mr. President –

I hereby move to amend Resolution No. RS2021-966 by adding the following provision at the end of Section 4:

Section 4. There is hereby created a Financial Oversight Committee which shall be comprised of nine members. Six members of the Committee shall be appointed by the Mayor which appointments shall not be subject to confirmation by the Council. The remaining three members shall be Members of the Metropolitan Council appointed by the Vice Mayor. The Committee members shall be appointed not later than July 1, 2021. The purpose of the Committee is to provide financial oversight of the Coronavirus Local Fiscal Recovery Funds of the American Rescue Plan of 2021. It will issue reports upon and review the use of funds as it deems appropriate. Further, it will collect, consider, and recommend appropriate uses of the ARP Funds as designated by the Metropolitan Council disbursement plan. The Committee will submit its reports and recommendations to the Mayor, the Director of Finance, and the Metropolitan Council not later than June 30, 2025. All meetings of the Financial Oversight Committee shall be publicly noticed, shall be open to the public, and shall be broadcast live on one of the Metro Nashville Network channels when feasible. If a meeting cannot be broadcast live, it shall be recorded and aired on one of the Metro Nashville Network channels within 48 hours of the meeting.

SPONSORED BY:

Bob Mendes

Members of Council

ORDINANCE NO. _____

An ordinance amending Title 3 of the Metropolitan Code relative to medical care benefits for pensioners.

WHEREAS, the Council of the Metropolitan Government of Nashville and Davidson County has adopted a system of employee benefits which includes medical care benefits for employees and pensioners; and,

WHEREAS, the Study and Formulating Committee has issued a Final Report dated February 17, 2021, recommending that the following changes be made to medical care benefits for pensioners: (i) offer pensioners a Group Medicare Advantage plan as their only option; pensioners and their dependents must be Medicare eligible; and (ii) remove the Employer Group Waiver Plan language from the Metropolitan Code; and,

WHEREAS, based on current rates, it is estimated that offering eligible pensioners a Group Medicare Advantage plan as their only option would result in the realization of Other Post-Employment Benefits (“OPEB”) liability reduction of \$1.1 billion; and,

WHEREAS, based on current rates, it is estimated that offering eligible pensioners a Group Medicare Advantage plan as their only option would also result in annual cash savings to the Metropolitan Government of \$14-21 million in the initial year; and,

WHEREAS, at its May 4, 2021 meeting, the Metropolitan Employee Benefit Board: (i) approved the recommendation of the Study and Formulating Committee to make Medicare Advantage plan the only choice for health insurance offered by the Metropolitan Government to pensioners with Medicare and whose covered dependents also have Medicare, effective January 1, 2023; and (ii) requested that within three years of implementation, the Benefit Board be provided an evaluation of how the Medicare Advantage plan is operating, as well as an update on the reduction of the OPEB liability; and,

WHEREAS, offering eligible pensioners a Group Medicare Advantage plan as their only option will render obsolete the requirement in the Metropolitan Code that the Benefit Board implement Medicare Part D or an Employer Group Waiver Plan for eligible pensioners; and,

WHEREAS, it is in the best interest of the Metropolitan Government to implement the recommendations made by the Study and Formulating Committee and approved by the Benefit Board regarding medical care benefits for pensioners.

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

Section 1. Section 3.24.010 of the Metropolitan Code is hereby amended by deleting subsection A in its entirety and substituting in lieu thereof the following new subsection A:

“Each member shall be covered for medical care benefits during all times that the member is an eligible employee or pensioner and shall contribute for such benefits in accordance with Section 3.16.020. Effective January 1, 2023, a Group Medicare Advantage plan shall be the only option for medical care

benefits offered by the Metropolitan Government to pensioners and their dependents in circumstances where a pensioner and their dependents are Medicare eligible. For the purposes of Chapters 3.08 through 3.44, members shall include those persons who become eligible for the state county paid judges pension plan and elect to participate in the system.

Section 2. Effective January 1, 2023, Section 3.08.110 of the Metropolitan Code is hereby amended by deleting subsection F in its entirety.

Section 3. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

INTRODUCED BY:

DocuSigned by:

Shannon Hall

Shannon Hall, Director
Department of Human Resources

Kymberly Johnson

Member(s) of Council

APPROVED AS TO AVAILABILITY OF FUNDS:

DocuSigned by:

Kevin Crumbo

Kevin Crumbo, Director of Finance

APPROVED AS TO FORM AND LEGALITY:

DocuSigned by:

Niki Eke

Assistant Metropolitan Attorney



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

JOHN COOPER
MAYOR

ROBERT E. COOPER, JR.
DIRECTOR OF LAW

DEPARTMENT OF LAW
METROPOLITAN COURTHOUSE, SUITE 108
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NASHVILLE, TENNESSEE 37219-6300
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May 28, 2021

Vice Mayor Jim Shulman
and Members of Metropolitan Council
Metropolitan Council
One Public Square, Suite 204
P. O. Box 196300
Nashville, Tennessee 37219-6300

Dear Vice Mayor Shulman and Members of Metropolitan Council:

We are writing to respectfully request a late file motion for the legislation captioned: "An ordinance amending Title 3 of the Metropolitan Code relative to medical care benefits for pensioners". The legislation was completed in a timely manner. Due to a glitch in the electronic routing process, however, it was not timely sent to the Council Office. In order to avoid a delay in the Department of Human Resources' procurement process, it is requested that the legislation be considered for first reading on June 1, 2021.

Thank you for the consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "Lora Fox".

Lora Barkenbus Fox
Associate Director of Law

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2021-727

Mr. President –

I hereby move to amend Ordinance No. BL2021-727 as follows:

- I. By amending the first recital by replacing “0 American Avenue” with “0 American Road”.
- II. By amending Section 1 by replacing “0 American Avenue” with “0 American Road”.

SPONSORED BY:

Mary Carolyn Roberts
Member of Council

SUBSTITUTE ORDINANCE NO. BL2021-738

An ordinance amending ~~Chapter 4.12~~ Title 4 of the Metropolitan Code regarding source selection, ~~and contract formation, and the authority to debar or suspend.~~

WHEREAS, Section 4.12.040 of the Metropolitan Code provides that when, under regulations promulgated by the Procurement Standards Board, the Purchasing Agent determines that the use of competitive sealed bidding is either not practicable or not advantageous to the Metropolitan Government, a contract may be entered into by competitive sealed proposal solicited through a request for proposals (RFP); and

WHEREAS, Section 4.12.040.E provides the RFP shall state the relative importance of price and other evaluation factors; and

WHEREAS, it is in the best interest of the Metropolitan Government that the Procurement Standards Board adopt regulations to require consideration of a contractor's prior audit findings and documented failures to provide records when evaluating RFPs; and

WHEREAS, debarment and suspension are discretionary actions that, when taken in accordance with identified processes and procedures, are an appropriate means to effectuate policy; and

WHEREAS, the serious nature of debarment and suspension requires that these sanctions be imposed only in the public interest for the government's protection; and

WHEREAS, it is the purchasing agent, department of law, and the procuring department head's responsibility to evaluate the seriousness of the contractor's acts or omissions and any remedial measures or mitigating factors to determine whether debarment is in the government's interest.

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

Section 1. Section 4.12.040 of the Metropolitan Code is hereby amended by adding the following provisions at the end of subsection E.:

"The standards board shall adopt and promulgate regulations requiring that an offeror's prior Metropolitan Government audit findings and contract noncompliance, including but not limited to a failure or inability of the offeror to furnish documentation justifying billing to the Metropolitan Government under a previously-awarded contract, be included as part of the scoring under the evaluation factors."

Section 2. Section 4.36.020 of the Metropolitan Code is hereby amended by deleting subsections A & B in its entirety and substituting with the following new subsections A & B:

A. Authority. After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the Purchasing Agent, after consultation with the Using Agency and the Director of Law, shall have the authority to debar a person for cause from consideration for award of contracts. The debarment shall not be for a period of more than three years. The Purchasing Agent, after consultation with the Using Agency and the Director of Law, shall have authority to suspend a person from consideration for award of contracts for up to twelve

months. The authority to debar or suspend shall be exercised in accordance with regulations promulgated by the standards board.

If required by Tenn. Code Annotated, Title 50, Chapter 3, Part 1, the Purchasing Agent shall only restrict a prime contractor or remote contractor from bidding, proposing, or accepting a contract or furnishing labor or material for an improvement to real property based upon a final finding or order that the prime contractor or remote contractor committed a willful violation of federal or state law.

B. Causes for Debarment or Suspension. The causes for debarment or suspension include, but are not limited to, the following:

1. Conviction of commission of a criminal offense as incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;
2. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a metropolitan government contractor;
3. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;
4. Violation of contract provisions, such as willful failure to perform in accordance with the terms of one or more contracts, a documented past history of failure to perform, unsatisfactory performance of one or more contracts, or a failure to cooperate in correcting performance issues or documenting billing during a contract;
5. Violation of the ethical standards set forth in Chapter 4.48, ethics in public contracting; or
6. Any other cause the purchasing agent, after consultation with the Using Agency and the Director of Law, determines to be so serious and compelling as to affect responsibility as a metropolitan government contractor, including but not limited to suspension or debarment by another governmental entity.

Section 2-3. 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:

Angie Henderson
Member of Council

SUBSTITUTE ORDINANCE NO. BL2021-742

An ordinance declaring a parcel of property owned by the Metropolitan Government of Nashville and Davidson County located at Brick Church Pike, unnumbered, Map/Parcel No. 06000007000, to be surplus, and authorizing the sale of the property to Habitat for Humanity for the purpose of constructing affordable housing, and accepting the transfer of property for use as a park (Proposal No. 2021M-009PR-001).

WHEREAS, the Metropolitan Government of Nashville and Davidson County (“Metro”) is the owner of a 11.73 acre vacant parcel of property listed as Map/Parcel No. 06000007000 (the “Parcel”), as more particularly described on the attached exhibit; and

WHEREAS, the Metropolitan Board of Public Education has declared this ~~property~~ Parcel to be surplus, and the control of the ~~property~~ Parcel has transferred to the Metro Director of Public Property Administration; and

WHEREAS, Habitat for Humanity of Greater Nashville desires to purchase ~~this parcel of property~~ the Parcel for the purpose of constructing 26 new affordable homes; and

WHEREAS, Metro has determined ~~this parcel of property~~ the Parcel is no longer needed for governmental purposes; and

WHEREAS, an appraisal report for ~~this property~~ the Parcel is attached, as required by Section 2.24.225 of the Metropolitan Code; and

WHEREAS, Habitat for Humanity agrees to purchase ~~said surplus property~~ the Parcel for the amount of \$584,615 to be used for the construction of 26 new affordable homes; and

WHEREAS, Habitat for Humanity agrees that in exchange for a purchase price below fair market value, it will develop 6 six acres of ~~the aforementioned~~ property as a useable park with walking trails and other amenities, including future adjacent expansion space, and will deed that park space to Metro for the use and benefit of the Metropolitan Board of Parks and Recreation; and

WHEREAS, Additionally, Habitat for Humanity further agrees to make substantial renovations and upgrades to the Parkwood Ballpark, located at 3020 Aldrich Lane, Nashville, Tennessee 37207; and

WHEREAS, the proposed costs of these park and Ballpark improvements are estimated to be \$638,900; and

WHEREAS, the ~~total combined~~ value of the renovations to Parkwood Ballpark, the build out of the useable park space, ~~along with~~ and the purchase price is equal to or exceeds the fair market value of the parcel.

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

Section 1. That property located at Brick Church Pike, unnumbered, Map/Parcel No. 06000007000, which is further described in the attached exhibit and is owned in fee by the Metropolitan Government, is hereby declared to be surplus.

Section 2. The Director of Public Property is hereby authorized and directed to sell said property listed above to Habitat for Humanity for the amount of \$584,615. The property transfer shall be subject to a deed restriction (1) requiring ~~€~~six acres of the property to be deeded ~~back to the Metropolitan Government for use as Metro Parks as useable~~ park space by the Metropolitan Board of Parks and Recreation upon completion of the park improvements; and (2) requiring . ~~Furthermore,~~ the remaining property shall to be used to construct 26 new affordable homes.

Section 3. The proceeds from the sale of said parcel of property shall be credited to Metropolitan Schools Capital Fund.

Section 4. The Metropolitan Council hereby accepts the six acres of park property subject to the approval of the Metropolitan Board of Parks and Recreation upon completion of the construction of the park.

~~Section 4~~Section 5. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Kyonzté Toombs
Member of Council

SECOND SUBSTITUTE ORDINANCE NO. BL2021-694

An ordinance requiring the Metropolitan Department of Water and Sewerage Services to prepare a Stormwater Masterplan review all evaluating existing culverts, inlets, storm drains, and ditches infrastructure within the T2- Rural Neighborhood Policy and T3- Suburban Neighborhood Policy throughout Davidson County in relation to for compliance with current Stormwater Management Manual Standards and to provide a report to the Metropolitan Council by January July 1, 2023.

WHEREAS, in order to effectively meet existing and anticipated stormwater infrastructure, water quality, and flooding preparedness, establishment of a stormwater fee was authorized by the Metropolitan Council in 2007 pursuant to Ordinance No. BL2007-1440. A subsequent comprehensive review of stormwater fees resulted in an adjustment in 2017 per Ordinance no. BL2017-588. The modernized fee structure allows Metro Water Services to address both current and future needs of the stormwater system, including an estimated \$200 million backlog of stormwater capital projects; and

WHEREAS, the Metro Water Services Department has been using stormwater fee revenues to perform maintenance and repairs and to construct capital improvements since 2009; and

WHEREAS, to maintain and address stormwater infrastructure needs throughout Davidson County, it is necessary for the Metro Water Services Department to conduct a countywide assessment to prepare a Stormwater Masterplan which comprehensively evaluates and identifies capital projects necessary to correct existing deficits and prevent potential problems; and

WHEREAS, the Metropolitan Nashville - Davidson County Stormwater Management Manual, as currently applied, was adopted in February of 2016; and

WHEREAS, Chapter 6 of the Metropolitan Nashville - Davidson County Stormwater Management Manual, labeled "Technical Guidelines and Criteria", provides current dimension specifications and other regulatory provisions for stormwater infrastructure, including culverts, inlets and storm drains; and

WHEREAS, stormwater infrastructure in many rural and suburban neighborhood portions of the General Services District -- ~~most notably~~ including those areas within the T2- Rural Neighborhood Policy and T3- Suburban Neighborhood Policy -- ~~has failed to keep pace with~~ is increasingly strained by the competing demands of development and stormwater management; and

WHEREAS, the Stormwater Masterplan will be a countywide initiative incorporating a watershed management approach that will provide guidance for development and the management of capital projects. The Stormwater Masterplan shall have a reporting component that can provide updates for council districts or neighborhood transects such as T2 and T3; and

WHEREAS, while capital budget funding must be allocated across multiple competing priorities, the stormwater infrastructure needs of Nashville's rural and suburban areas have been neglected ~~for decades and~~ must be maintained and/or rectified.

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

Section 1. The Metropolitan Department of Water and Sewerage Services shall ~~review all existing culverts, inlets, storm drains, and ditches within the T2- Rural Neighborhood Policy and T3-~~

~~Suburban Neighborhood Policy for compliance with the current Storm Water Management Manual Standards, as adopted February 2016.~~ prepare a Stormwater Masterplan, evaluating and inspecting existing infrastructure throughout Davidson County in relation to the current Stormwater Management Manual Standards as adopted February 2016 and the NashvilleNext long-term growth plan adopted in 2015, investigate open service requests, conduct public meetings, identify potential projects to address stormwater problems or system deficiencies, and prepare preliminary cost estimates to establish a multi-year capital improvement plan. A report identifying upgrades needed to conform to ~~these Manual Standards~~, and the cost of such upgrades, shall be provided to the Metropolitan Council by ~~January~~ July 1, 2023. If necessary the completion date can be extended to December 31, 2023 by resolution, with Metro Water Services providing an interim update to the Council by July 1, 2023.

Section 2. Be it further enacted that this ordinance take effect immediately after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Jennifer Gamble

Burkley Allen
Members of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2021-725

Mr. President –

I hereby move to amend Ordinance No. BL2021-725 by deleting the existing Section 1 in its entirety and substituting with the following new Section 1:

~~Section 1. That Section 2.149.040 of the Metropolitan Code of Laws is hereby amended by modifying subsection G as follows:~~

~~G. Make recommendations to the metropolitan council regarding the awarding of grants from the Barnes Fund, including funds appropriated yearly by the metropolitan council through the operating budget ordinance, to deserving nonprofit organizations and nonprofit civic organizations, or as otherwise authorized by state law, supporting the purposes of the commission. Criteria for the awarding of such funds shall be established by the commission. The criteria shall include setting aside at least twenty percent of such grants to be used for the creation and preservation of affordable housing or capacity building for organizations that create or preserve affordable housing to be awarded to small nonprofit organizations, provided that a sufficient number of qualified applications are received. For the purposes of this subsection, "small nonprofit organizations" means nonprofit organizations with an annual operating budget of no more than four million dollars and a housing budget of no more than one million dollars. The commission shall submit a recommendation to the metropolitan council for the appropriation of funds to deserving nonprofit organizations consistent with T.C.A. § 7-3-314, as it may hereafter be amended. Once funds have been appropriated by the metropolitan council to the deserving nonprofit organization(s), the commission shall enter into a grant contract with each such organization. No such grant contract shall become effective without the approval of the metropolitan department of law and director of finance. In the event the recipient organization fails to complete its obligations under the grant contract within twenty four months from execution, the commission shall be authorized to rescind the contract and to reclaim previously appropriated funds from the organization, subject to terms and conditions within the grant contract allowing for such.~~

Section 1. That Section 2.149.040 of the Metropolitan Code of Laws is hereby amended by modifying subsection G as follows:

G. Make recommendations to the metropolitan council regarding the awarding of grants from the Barnes Fund, including funds appropriated yearly by the metropolitan council through the operating budget ordinance, to deserving nonprofit organizations and nonprofit civic organizations, or as otherwise authorized by state law, supporting the purposes of the commission. Criteria for the awarding of such funds shall be established by the commission. The criteria shall include setting aside at least twenty percent of such grants during Fiscal Years 2022 and 2023 to be used for the creation and preservation of affordable housing or capacity building for organizations that create or preserve affordable housing to be awarded

to small nonprofit organizations, provided that a sufficient number of qualified applications are received. Starting in Fiscal Year 2024 and thereafter, the criteria shall include an aspirational goal of setting aside at least twenty percent of such grants to be awarded to small nonprofit organizations. For the purposes of this subsection, "small nonprofit organizations" means nonprofit organizations with an annual operating budget of no more than four million dollars and a housing budget of no more than one million dollars. The commission shall submit a recommendation to the metropolitan council for the appropriation of funds to deserving nonprofit organizations consistent with T.C.A. § 7-3-314, as it may hereafter be amended. Once funds have been appropriated by the metropolitan council to the deserving nonprofit organization(s), the commission shall enter into a grant contract with each such organization. No such grant contract shall become effective without the approval of the metropolitan department of law and director of finance. In the event the recipient organization fails to complete its obligations under the grant contract within twenty-four months from execution, the commission shall be authorized to rescind the contract and to reclaim previously appropriated funds from the organization, subject to terms and conditions within the grant contract allowing for such.

SPONSORED BY:

Freddie O'Connell
Member of Council