

SUBSTITUTE ORDINANCE NO. BL2022-1528

An Ordinance amending Title 2, Title 6, and Title 7 of the Metropolitan Code of Laws to amend the nomination process and membership of various boards and commissions.

WHEREAS, while the majority of Metropolitan boards and commissions were established under the Metro Charter or by state law, several additional boards and commissions were created through amendments to the Metropolitan Code of Law by legislation approved by the Metropolitan Council. The Council should therefore assume a larger role in the nomination of prospective members to the boards and commissions created under their authority; and

WHEREAS, members of the Metropolitan Council, by virtue of their close community ties and constituency representation, provide valuable connections to community organizations and civic groups, providing insight into potential board and commission nominees and representational needs; and

WHEREAS, Nashville and Davidson County is a diverse area with many cultures represented; ~~and while~~ WHEREAS, despite this, the diversity of the membership of Metropolitan boards and commissions have trailed behind the diversity of the county has improved significantly in recent years, these efforts must continue to ensure membership adequately reflects Nashville and Davidson County's population; and

WHEREAS, because increased diversity should be the objective of all branches of local government, it is fitting that the Metropolitan Council assume a larger role in the selection of diverse boards and commission members; and

WHEREAS, in order to provide opportunity to continue to increase the diversity on Council-created boards and commissions, the membership should be amended to increase the number of appointments made by the Council and other entities where appropriate, and increase the total number of members on certain boards and commissions; and

WHEREAS, the nomination process and membership of the following boards and commissions should be amended: the Board of Property Standards and Appeals, Metropolitan Transportation Licensing Commission, Auditorium Commission, Historical Commission, Human Relations Commission, Housing Trust Fund Commission, Board of Ethical Conduct, CATV Special Committee, Short Term Rental Appeals Board, Beer Permit Board, and Stormwater Management Committee; and

WHEREAS, the nomination process and membership of these boards and commissions should be amended in order to increase diversity and allow for greater representation in Nashville and Davidson County.

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

Section 1. That Section 2.88.020 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

2.88.020 - Appointment, qualifications, compensation and term of office.

- A. The board of property standards and appeals ("the board") shall consist of seven members, who shall have been residents of the area of the metropolitan government area for not less than one year, and who shall continue to be eligible so long as they shall serve. Five members are to be appointed by the mayor and confirmed by a majority vote of the whole membership of the metropolitan council. Two members are to be elected by a majority vote of the whole membership of the metropolitan council. The members of the board shall serve without compensation, and may be removed from membership on the board by the mayor for continued absence from meetings of the board or other just causes. Replacements for any members that resign or are dismissed from the board shall be appointed in the same manner as prescribed for regular appointees. Any member appointed as a replacement shall serve only for the remainder of the term of the member replaced, unless subsequently reappointed for an additional term according to the procedures set forth above.
- B. Each member shall be appointed for a term of four years and shall serve until the member's successor is appointed, except that no member shall serve for more than two consecutive terms.
- C. Of the mayor's appointments, one member of the board shall be qualified in the field of building construction and materials, one member in the field of labor, one member in the field of finance, one member in the field of real estate, and one member in the field of business. The two members elected by the council shall be appointed at large.

Section 2. That Section 2.100.010 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

2.100.010 - Created-Membership.

There is created a metropolitan transportation licensing commission. Such board shall consist of nine public members. Five members are to be appointed by the mayor and confirmed by a majority vote of the whole membership of the metropolitan council. Four members are to be elected by a majority vote of the whole membership of the metropolitan council. The members shall serve without compensation for a term of two years or until their successors are appointed. Of the mayor's appointees, At least one member shall be a resident within the area of the Downtown or Gulch Central Business Improvement District; and one member shall be a representative of the hospitality sector, to be appointed by the mayor from a list of three persons recommended jointly by the board of directors Nashville Area Chamber of Commerce, the board of directors of the Nashville Convention and Visitors Corporation, and the board of directors of the Nashville Downtown Partnership.

Section 3. That Section 2.116.020 of the Metropolitan Code of Laws is amended by deleting the section in its entirety and replacing it with the following:

2.116.020 - Membership-Appointment, compensation, term and vacancy filling.

The metropolitan auditorium commission shall consist of seven members. Four members are to be appointed by the mayor and confirmed by a majority of the whole metropolitan council. Three members are to be elected by a majority vote of the whole membership of the metropolitan council. The members of the metropolitan auditorium commission shall serve without compensation for staggered terms of three years each, except that, of the first members appointed as regular members, two shall serve for a term of one year, two for a term of two years and three for a term of three years. Any vacancy due to any cause shall be filled in the same manner by the same appointing authority as the original vacant appointment, and shall be for the unexpired portion of the term.

Section 4. That Section 2.128.030 of the Metropolitan Code of Laws is amended by deleting the section in its entirety and replacing it with the following:

2.128.030 - Appointment and term of office of members.

The historical commission shall be composed of fifteen members who shall serve without compensation. Ten members are to be appointed by the mayor and confirmed by a majority vote of the whole membership of the metropolitan council. Five members are to be elected by a majority vote of the whole membership of the metropolitan council. ~~The tenure of the members shall be as follows: the successors of the five members whose terms are set to expire August of 1993 shall serve a four-year term to expire on August 1, 1997; the successor of the member whose term is set to expire July of 1994 shall serve a four-year term to expire on August 1, 1998; the successors of the four members whose four-year terms are set to expire June of 1996, August of 1996, October of 1996 and November of 1996 shall serve a term of two years to expire August 1, 1998; and the successors of the remaining five members whose six-year terms are set to expire August of 1996 shall serve a term of three years to expire August 1, 1999. Thereafter, Each member shall serve for a term of four years from the appointment dates of August 1, 1997, August 1, 1998 and August 1, 1999. All vacancies of any commission member shall be filled for the balance of the unexpired term in the same manner by the same appointing authority as the original vacant appointments.~~

Section 5. That Section 2.132.030 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

2.132.030 - Composition-Qualifications, appointment, term and filling vacancies.

The human relations commission shall consist of seventeen members, who shall be broadly representative of the population of the general services district. On the basis of recommendations from any and all interested parties, including the metropolitan council, as well as ethnic, racial, religious, neighborhood, civic, community, social, fraternal, educational, commercial and advocacy organizations, the mayor shall appoint ten members of the human relations commission, subject to confirmation by a majority vote of the whole membership of the council. The remaining seven members shall be elected by a majority vote of the whole membership of the council. Except for the initial appointees, commission members shall serve staggered three years terms. A commission member is not eligible to be reappointed to the commission if such member has served more than one-half of a three year term and a consecutive complete three year term. ~~Of the initial members appointed, six members shall be appointed for one year, six members shall be appointed for two years, and five members shall be appointed for three years.~~ Every member shall have been a resident of the general services district for at least one year prior to appointment, and shall continue to be a resident of the general services district so long as he/she shall serve as a member of the commission. In the event a vacancy is created on the commission by the death, incapacity, or resignation of a member, or by the failure of a member to continue to reside in the general services district, a successor for the unexpired term shall be appointed ~~in the same manner~~ by the same appointing authority as original the vacant appointments.

Section 6. That Section 2.149.020 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

2.149.020 - Membership and term of office.

The commission shall be composed of seven members, who shall serve as such without compensation. One member of the commission shall be designated by the board of the metropolitan development and housing agency. One member of the commission shall be a

member of the council designated by the vice-mayor for a term of two years. One member shall be designated by the continuum of care homeless planning council. Two members shall be elected by a majority vote of the whole membership of the council. The remaining two members of the commission shall be appointed by the mayor and approved by the metropolitan council. Members, except for the member of council designated by the vice-mayor, shall serve terms of five years each, provided that the first members appointed shall serve terms of one, two, three, four, and five years respectively. Any vacancy due to any cause shall be filled for the unexpired term ~~in the same manner~~ by the same appointing authority as the original vacant appointment.

Section 7. That Section 2.222.040 of the Metropolitan Code of Laws is amended by deleting Subsection A in its entirety and replacing it with the following:

A. Creation, continuing jurisdiction, organization, and membership:

1. There is created the board of ethical conduct, sometimes hereinafter referred to as the "board." The board shall consist of seven members, who shall have been residents of the area of the metropolitan government for not less than two years prior to appointment and shall continue such residency as a qualification for membership. No voting member shall be an official or employee of the metropolitan government or any other government. The members of the board shall serve for terms of three years each. The presence of ~~six~~ five members shall be required to constitute a quorum for the board to conduct business. The president pro tem of the council shall be an ex officio, non-voting, member of the board.

2. One member each of the board shall be selected by the following organizations:

League of Women Voters of Nashville.

Nashville Area Central Labor Council.

Napier-Looby Bar Association.

Nashville Area Chamber of Commerce.

Nashville Bar Association.

National Association for the Advancement of Colored People Nashville Branch

Tennessee Immigrant & Refugee Rights Coalition

Upon the selection of the member of the board by the above-named organizations, the organization shall file with the metropolitan clerk evidence of the selection.

3. Any vacancy due to any cause shall be filled for the unexpired term in the same manner as the original appointment. A vacancy shall be deemed to exist upon the occurrence of any one or more of the following conditions:

(a) If a member moves their permanent residence out of Davidson County; dies or resigns or for any reason refuses to serve during the period for which they were appointed; or

(b) If the member becomes a member of the council, an official, or employee of the metropolitan government or any other government or a candidate for public office; or

(c) If a member fails to attend and participate in three consecutive meetings (provided said meetings were not held in the same week) or fails to attend at least two-thirds of

all meetings of the board held within a calendar year, provided that said board meets at least three times during the calendar year.

4. The board shall elect from its membership a chairperson and vice-chairperson who shall each be selected for one-year terms. The metropolitan clerk or designee shall serve as the custodian of its records and minutes and shall act as the board secretary. The metropolitan attorney shall furnish legal assistance to the board.

5. The board, in addition to such other duties as may be assigned to it by ordinance, shall have the following duties and responsibilities:

(a) To establish and make public the procedures and rules governing its internal organization and the conduct of its affairs; and

(b) To maintain records of its investigations, inquiries and proceedings; and

(c) To render advisory opinions; and

(d) To conduct an investigation and make recommendations about any member's conduct as provided below.

(e) To conduct an investigation and make recommendations regarding any alleged violation of the lobbyist code as set forth in Chapter 2.196 of this code, using the procedures set forth in Section 2.196.085.

6. The council board of conduct shall replace and supersede the council board of conduct created pursuant to Substitute Ordinance No. BL2005-659, as amended, ("hereinafter the "board of conduct");

7. The board shall have continuing jurisdiction over all matters heretofore referred to the board of conduct.

Section 8. That 6.08.080 of the Metropolitan Code of Laws is amended by deleting Subsection A.1 in its entirety and replacing it with the following:

1. There is established by this chapter a CATV special committee consisting of seven members. Four members shall be appointed by the metropolitan mayor and confirmed by a majority vote of the whole membership of the metropolitan council. Three members shall be elected by a majority vote of the whole membership of the metropolitan council. Of the members elected by the council, one shall be a representative of a union representing workers in telecommunications industry. The members of the CATV special committee shall serve a term of three years.

Section 9. That Section 6.28.035 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

6.28.035 - Short term rental appeals board.

- A. A short term rental (STR) appeal board is created and designated the metropolitan short term rental appeals board.
- B. The board shall be staffed by the department of codes administration and shall hear and decide appeals from decisions made by the zoning administrator regarding STR permits whereby it is alleged in writing that the zoning administrator is in error or acted arbitrarily. The board shall have jurisdiction to uphold, reverse, or modify in whole or in part the zoning

administrator's decision regarding permit issuance or revocation for all permits eligible for review.

- C. The board shall consist of seven members. One member shall be a member of the metropolitan council and shall be selected by that body from its membership to serve as a member of the board for a term of two years. Three members shall be elected by a majority vote of the whole membership of the metropolitan council and shall each serve terms of four years. The remaining three members shall be appointed by the mayor and confirmed by a majority vote of the metropolitan council and shall each serve terms of four years or until their successors are appointed. Of the members appointed by the mayor, at least one shall be an attorney.
- D. Board members shall annually elect a chair and a vice-chair from among their membership. The vice-chair is authorized to act in the place of the chair and in the same capacity as the chair when the chair is unavailable.
- E. The board shall hold regular meetings each month at a time fixed by the board and may hold such special meetings as may be necessary.
- F. The attendance of four members of the board shall be required to constitute a quorum for the purpose of transacting business. The concurring vote of at least a majority of those members present at the meeting shall be necessary to uphold, reverse, or modify in whole or in part the decision of the zoning administrator.
- G. The board shall promulgate such bylaws, rules and/or regulations not inconsistent with state law, the Metropolitan Charter, or any ordinance as it deems appropriate, for the filing and pursuit of appeals under this chapter (including appropriate limitations periods), for the course of hearings held before them, and for the conducting of its business generally.

Section 10. That Section 7.04.020 of the Metropolitan Code of Laws is amended by deleting the section in its entirety and replacing it with the following:

7.04.020 - Membership-Terms.

The metropolitan beer permit board shall consist of seven members. Four members are to be appointed by the mayor and approved by the metropolitan council. Three members are to be elected by a majority vote of the whole membership of the metropolitan council. Said members shall serve terms of four years each. Any vacancy other than the expiration of terms shall be filled for the unexpired term. The members presently constituting the metropolitan beer permit board shall succeed to the rights, powers, duties and obligations of the board subject to the Charter as authorized by this section. ~~The members constituting the metropolitan beer permit board as of the effective date of the ordinance codified in this section shall continue in their respective positions until October 31, 1995, at which time said members' positions shall be deemed to have expired.~~

Section 11. That Section 15.64.040 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

15.64.040 - Stormwater management committee-Created.

- A. There is created a metropolitan stormwater management committee which shall consist of seven members who must be residents of Davidson County.
- B. The membership of the committee shall be as follows:

1. Four members who shall be registered professional engineers in the State of Tennessee with expertise in civil engineering, hydraulics, hydrology, and/or environmental sciences; and
2. Three lay members from the community at large as follows: One licensed landscape architect or urban forester elected from nominations submitted by the Tennessee Chapter of the American Society of Landscape Architects and Tennessee Forestry Association; one licensed realtor elected from nominations submitted by the Greater Nashville Association of Realtors; and one licensed attorney who specializes in water or environmental law elected from nominations submitted by the Nashville Bar Association.
- C. The four members who are registered professional engineers shall be appointed by the mayor and confirmed by a majority vote of the whole metropolitan council. The three ~~lay~~ members nominated by the organizations listed in subsection B.2 above shall be elected by a majority vote of the whole membership of the metropolitan council.
- D. All members shall have been residents of the metropolitan government area for not less than one year, and shall continue to be so eligible as long as they shall serve.
- E. Appointed members of the committee shall serve a term of four years. ~~The terms of office of the first appointed members shall be staggered, two for a term of two years, two for a term of three years, and two for a term of four years.~~

Section 12. That Section 15.64.070 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

15.64.070 - Stormwater management committee—Replacement of members.

Replacement of any appointed member of the committee resigning or dismissed from the committee shall be appointed in the same manner as prescribed for regular appointees. Any member appointed as a replacement shall serve only for the remainder of the term of the member replaced, unless subsequently reappointed for an additional term.

Section ~~12~~ 13. For each foregoing section wherein an existing mayoral appointment is to be transferred to a new appointing authority, the new appointing authority shall fill all vacancies arising after the effective date of this ordinance until each board and commission is appointed as described herein.

Section 14. Matters pending before boards or commissions as of the effective date of this ordinance shall not be affected by any provision contained herein.

Section ~~13~~ 15. This ordinance shall take effect from and after its passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by:

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