

SUBSTITUTE ORDINANCE NO. BL2026-1355

An ordinance amending Section 2.04.030 of the Metropolitan Code of Laws relative to the Metropolitan Council Office.

WHEREAS, the Metropolitan Council Office was established by Section 2.04.030 of the Metropolitan Code of Laws to support the Metropolitan Council (“the Council”) in the performance of its legislative duties; and

WHEREAS, Section 8.607 of the Metropolitan Charter states that the Council may authorize the Vice Mayor to employ legal counsel for the Council under terms and conditions as approved by resolution; and

WHEREAS, the Director of the Metropolitan Council Office serves concurrently as Special Counsel to the Metropolitan Council, has been required to be a licensed attorney, and has authority to operate the Council Office subject only to policies adopted or orders issued by the Council; and

WHEREAS, the Council finds it necessary and in the public interest to formally establish and define the role of Director ~~and Special Counsel~~ of the Metropolitan Council Office ~~as an independent officer of the legislative branch~~, to be appointed by and serve at the pleasure of the Council, ~~so as to ensure that the Council receives legal advice and legislative support independent from the executive branch of the government~~; and

WHEREAS, the Council further finds it necessary to clarify that all supervisory authority over Metropolitan Council Office personnel is vested in the Director and that no individual elected official shall exercise operational control over staff outside of policies adopted by the Council.

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

Section 1. That Chapter 2.04.30 of the Metropolitan Code of Laws is hereby amended by deleting the section entirely and replacing it as follows:

A. There is created a metropolitan council office, which shall be composed of such personnel, including clerical and administrative personnel, either part-time or full-time, as may be authorized by the metropolitan council. The office shall provide research and advisory services related to legislative matters as well as administrative assistance to the council, any committee of the council, or individual council member upon request by the president of the council, any committee of the council, or any individual council member. The office shall be responsible solely to the metropolitan council. ~~The office shall provide research and advisory services to the council or any committee of the council upon request by the president of the council or upon request of any committee of the council. The duties of the office shall be limited to researching and advising the council or committee of the council on legislative and administrative matters. The office shall be responsible solely to the metropolitan council.~~

B. The annual operating budget of the metropolitan council office shall be prepared and submitted as a part of the budget of the metropolitan council.

C. Members of the metropolitan council office shall have full access to books, records and reports of all departments, boards, commissions and agencies of the metropolitan government. Such office however, shall exercise discretion to avoid unnecessary interference with the orderly work and responsibilities of other governmental officials, agencies and departments.

D. Director of the Metropolitan Council Office.

1. There is hereby established the position of director of the metropolitan council office. Any special counsel whose contract, as specified by Metro Charter section 8.607, for employment is adopted by the metropolitan council shall may serve concurrently as director. The director shall act as office manager of the metropolitan council office and primary legal advisor to the metropolitan council on matters consistent with their official duties.

~~2. The director shall at all times during employment be an attorney licensed to practice law in the State of Tennessee and in good standing with the Tennessee Bar.~~

~~2. 3.~~ The director shall serve at the pleasure of the metropolitan council. The Upon the recommendation of the executive committee, the director may ~~only~~ be removed from office, with or without cause, prior to the ~~expiration of any term only~~ upon adoption of a resolution by the metropolitan council. The executive committee shall mean a committee comprised of the chairs of each standing committee of the council, the president pro tem of the council, and the vice mayor. A resolution to remove the director shall require the affirmative votes of a two-thirds majority of the entire membership of the metropolitan council.

3. In the event that the position of director is vacant, the council, upon the recommendation of the executive committee, may appoint an interim director who shall have all of the authority and duties of the director.

4. The director shall have the authority and responsibility to oversee the operations of the metropolitan council office in furtherance of the work of the metropolitan council. ~~The director shall perform the following services:~~

~~a. act as director and office manager of the metropolitan council office, providing day to day management, direction, assignment, evaluation, discipline, and operational supervision of all metropolitan council office staff;~~

~~b. provide research and advisory services on legislative matters to the metropolitan council, and its members;~~

~~c. serve as parliamentary advisor and legal counsel and attend as many meetings as practicable of the metropolitan council and of its committees;~~

~~d. draft ordinances and resolutions in conformance with the Charter and state law upon request by any member of the metropolitan council for the submission to the body;~~

~~e. review for the metropolitan council all contracts, leases, and other documents which are submitted for approval;~~

~~f. prepare and submit the annual operating budget of the metropolitan council and the metropolitan council office;~~

~~g. such other duties as described in the relevant employment contract.~~

~~5. In performing the duties of special counsel and providing legal advice or legislative support to the metropolitan council, the director shall be responsible solely to the metropolitan council.~~

5. The director shall provide day-to-day management, supervision, direction, assignment, evaluation, and personnel management, including any corrective action, of the metropolitan council office staff.

6. The director, in consultation with the special counsel, shall have the authority to handle all personnel matters, including the commencement and termination of employment of staff.

7. The director shall prepare and submit the annual operating budget of the metropolitan council and the metropolitan council office

E. Special Counsel to the Metropolitan Council

1. There is hereby established the position of special counsel of the metropolitan council office. Any special counsel whose contract, as specified by section 8.607 of the Metropolitan Charter, for employment is adopted by the metropolitan council shall may serve concurrently as director.

2. The special counsel shall at all times during employment be an attorney licensed to practice law in the State of Tennessee and in good standing with the Tennessee Bar.

3. Upon the recommendation of the executive committee, the special counsel may be removed from office, with or without cause, upon adoption of a resolution by the metropolitan council. A resolution to remove the special counsel shall require the affirmative vote of a two-thirds majority of the entire membership of the metropolitan council.

3. In the event that the position of special counsel is vacant, the council, upon the recommendation of the executive committee, may appoint an interim special counsel who shall have all of the authority and duties of the special counsel.

4. In the absence of a director or interim director, the special counsel shall serve as the manager of the council office staff and shall have all of the duties of the director or interim director.

5. The special counsel shall have the authority and responsibility to oversee the legal and legislative operations of the metropolitan council office in furtherance of the work of the metropolitan council. The special counsel shall perform the following services:

a. provide research and advisory services on legislative and legal matters to the metropolitan council and its members;

b. serve as parliamentary advisor and legal counsel and attend all official meetings of the metropolitan council and ensure a legal staff member is present at all committee meetings as practical;

c. draft ordinances and resolutions in conformance with the Charter and applicable law upon request by any member of the metropolitan council for submission to the body;

d. review for the metropolitan council all contracts, leases, and other documents were are submitted for approval;

e. provide day-to-day management, supervision, direction, assignment, evaluation, and personnel management, including any corrective action, of the metropolitan council office legal staff;

f. in consultation with the director, handle all personnel matters related to legal staff, including the commencement and termination of employment of such staff; and

g. such other duties as described in the relevant employment contract

~~a. act as director and office manager of the metropolitan council office, providing day-to-day management, direction, assignment, evaluation, discipline, and operational supervision of all metropolitan council office staff;~~

~~b. provide research and advisory services on legislative matters to the metropolitan council, and its members;~~

~~c. serve as parliamentary advisor and legal counsel and attend as many meetings as practicable of the metropolitan council and of its committees;~~

~~d. draft ordinances and resolutions in conformance with the Charter and state law upon request by any member of the metropolitan council for the submission to the body;~~

~~e. review for the metropolitan council all contracts, leases, and other documents which are submitted for approval;~~

~~f. prepare and submit the annual operating budget of the metropolitan council and the metropolitan council office;~~

~~g. such other duties as described in the relevant employment contract.~~

F. Any personnel matter concerning the director, interim director, special counsel, or interim special counsel shall be reviewed by the executive committee, which may make a recommendation to the full metropolitan council.

~~G. E.~~ No elected official shall exercise control over the metropolitan council office beyond their duties as described in the Charter and the metropolitan code of laws.

~~H. F.~~ No metropolitan council office employee shall be subject to retaliation for reporting to the director or any other appropriate authority conduct of an elected official that the employee reasonably believes constitutes a violation of this section, or refusing to comply with a directive from any elected official that the employee reasonably believes exceeds that official's authority under the Charter or the metropolitan code of laws.

~~G.~~ ~~The government operations and regulations committee, or its respective successor committee,~~ shall provide oversight of the metropolitan council office.

~~L. H.~~ Fiscal impact statements.

1. The metropolitan council office shall prepare a fiscal impact statement for all resolutions and ordinances on second and third reading, other than non-binding memorializing resolutions or ordinances amending Title 17 of the metropolitan code (zoning), that would:

- a. Increase or decrease metropolitan government revenues;
- b. Appropriate funds;
- c. Increase or decrease existing appropriations; or
- d. Increase or decrease the fiscal liability of the metropolitan government.

2. Such fiscal statement shall be provided to the full council at least forty-eight hours prior to consideration of the legislation by the council. Within twenty-four hours following a request by the sponsor of an amendment to any pending resolution or ordinance on which a fiscal note is required by this section, the metropolitan council office shall prepare for the sponsor a fiscal note showing what effect the amendment would have on the estimates made in the fiscal note applicable to the ordinance or resolution.

3. The fiscal note shall, if possible, include an estimate in dollars of the anticipated change in revenue, expenditures, or fiscal liability under the provisions of the ordinance or resolution. It shall also include a statement as to the immediate effect and, if determinable or reasonably foreseeable, the long-range effect of the measure. If, after careful investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. The fiscal note statement shall include an explanation of the basis or reasoning on which the estimate is founded, including any assumptions involved.

4. No comment or opinion shall be included in the fiscal note regarding the merits of the measure for which the note is prepared; however, technical or mechanical defects may be noted.

Section 2. 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:

Kyonté Toombs
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Members of Council