



Metropolitan Council

**PROPOSED AMENDMENTS PACKET
FOR THE COUNCIL MEETING OF
TUESDAY, APRIL 20, 2021**

AMENDMENT NO. ____
TO
RESOLUTION NO. RS2021-837

Mr. President –

I move to amend Resolution No. RS2021-837 by modifying Section 2 as follows:

Section 2. The date prescribed for holding of the referendum election at which the electorate of the Metropolitan Government will vote to ratify or reject the amendments proposed in Section 1 of this Resolution shall be June 14, 2021, or such other date set by the Davidson Election Commission for a referendum election regarding amendments to the Metropolitan Charter submitted by 4 Good Government, provided that if the Davidson County Election Commission would only be required to hold an election as a result of the adoption of this Resolution and for no other matter, then this Resolution shall be null and void, and without any further effect. It is the express intent of the Metropolitan Council that this Resolution not trigger a special election for the sole consideration of the amendment to the Metropolitan Charter provided herein.

INTRODUCED BY:

Bob Mendes
Member of Council

SUBSTITUTE RESOLUTION NO. RS2021-887

A resolution honoring the life of Jenny Tygard.

WHEREAS, Jenny Tygard was a beloved daughter, sister, aunt, friend, and teacher; and

WHEREAS, Jennifer Brooks Tygard was born in Nashville in 1977, attended local schools including Bellevue Middle School and Hillwood High School, graduated from The University of Tennessee at Chattanooga, and went on to touch the lives of hundreds of students and countless adults; and

WHEREAS, Ms. Tygard was a beloved teacher at Bellevue Middle School for more than 15 years, most recently teaching fifth grade English Language Arts and Social Studies; and

WHEREAS, Ms. Tygard ~~she~~ was widely lauded for always supporting her students inside and outside the classroom, remaining a dependable source of support long after they moved on from her class; and

WHEREAS, Ms. Tygard was an athlete and sports fan, serving as scorekeeper at Bellevue Middle School athletic events and rooting on her favorite teams, including the Vanderbilt Commodores and the Nashville Predators; and

WHEREAS, friends and colleagues often took notice of the way Ms. Tygard would light up the room with her wit, sense of humor, and selflessness; and

WHEREAS, Ms. Tygard believed deeply in the power of community and nobly served her community without seeking recognition or praise; and

WHEREAS, Ms. Tygard passed away ~~unexpectedly~~ peacefully on April 8 and is survived by her loving parents, former Metro Councilman Charlie Tygard and Judy Tygard, ~~her~~ sister, Jill Tygard Mertes; her nieces Megan and Macey Mertes and her nephew Matthew Mertes; her cousins; and ~~many more family members and friends~~ and colleagues; and

WHEREAS, it is fitting and proper that the Metro Council honors the life and contributions of Jenny Tygard.

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

Section 1. The Metropolitan Council hereby goes on record as honoring the life of Jenny Tygard.

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

INTRODUCED BY:

Dave Rosenberg
Sharon Hurt
Members of Council

RESOLUTION NO. RS2021-___

A Resolution Recognizing the 100th Birthday of Mr. Jerry Neal.

WHEREAS, longevity of life is a blessing for an individual but mostly for the community which benefits from the knowledge, dedicated service and experiences that an individual brings to all; and

WHEREAS, the Mayor and Metropolitan Council, representing the citizens of Nashville, recognize and greatly appreciate the many significant contributions of Mr. Jerry Neal, born April 7, 1921 and long-time resident of Nashville, who recently celebrated his 100th year since his birth; and

WHEREAS, Mr. Neal has led an extraordinary life living through the Great Depression, five major wars, 25 Presidential elections and served over 77 years in the Reserves, Inactive Reserves, and Retired Reserves; and

WHEREAS, Mr. Neal maintains an unyielding spiritual devotion, a revelation that began after crashing his B-24 Bomber in the English Channel, and attributes his many rewards, opportunities and successes in life to his faith; and

WHEREAS, Mr. Neal served his country with gallant bravery during his enlistment as a World War II B-17 and B-24 bomber pilot earning a Distinguished Flying Cross and Air Medal with five Oak Leaf Clusters, each representing acts of heroism with over 35 missions flown, including participation in the Battle of Normandy, and experienced first-hand the tragedy of war, personal sacrifice and loss of human life; and

WHEREAS, Mr. Neal has dedicated his life to unselfish service to community and fellow man and, in so doing, is highly acclaimed for his virtues, principles, morals and humility and is a friend to all through his welcoming smile, humor, soft voice and strong handshake; and

WHEREAS, Mr. Neal has been a devoted, loving and caring husband to wife and life partner, Cam, who describes her husband as a man grounded in humility, generosity, and passion; and

WHEREAS, it is most fitting and proper that Mr. Neal be recognized, honored and celebrated for his life of sacrifice, service and genuine caring for family, friends and neighbors.

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

Section 1. That the Metropolitan County Council hereby goes on record as honoring and recognizing Mr. Jerry Neal for his long life of dedication and contribution to our country, city and West Meade Park and wish him many more years of health, prosperity and happiness.

Section 2. The Metropolitan Council Office is directed to prepare a copy of this resolution to be presented to Mr. Jerry Neal.

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

SPONSORED BY:

Thom Druffel
Member of Council

RESOLUTION NO. RS2021-_____

A resolution recognizing the month of April as “Mathematics and Statistics Awareness Month” in Nashville and Davidson County, and further recognizing Nashville’s female mathematicians as part of the month-long celebration.

WHEREAS, the goal of Mathematics and Statistics Awareness Month, held each year in April, is to increase public understanding of and appreciation for mathematics and statistics; and

WHEREAS, Mathematics and Statistics Awareness Month began in 1986 as Mathematics Awareness Week with a proclamation by President Ronald Reagan, who said, *“Despite the increasing importance of mathematics to the progress of our economy and society, enrollment in mathematics programs has been declining at all levels of the American educational system. Yet the application of mathematics is indispensable in such diverse fields as medicine, computer sciences, space exploration, the skilled trades, business, defense, and government;”* and

WHEREAS, mathematics and statistics play a significant role in addressing many real-world problems and are important drivers of innovation in our technological world, in which new systems and methodologies continue to become more complex; and,

WHEREAS, women have made significant gains in the science, technology, engineering, and math (STEM) workforce, but girls are still less likely to study STEM subjects including mathematics and statistics; and

WHEREAS, the Mathematical Mission of Metropolitan Nashville Public Schools is “to provide each student with the daily opportunity to reason mathematically, communicate their ideas, and value mathematics with rigorous instruction,” and under the leadership of Dr. Jessica Slayton, Director of Mathematics, there are 260 middle and high school math teachers in Metro Public Schools, of whom 158 are women; and

WHEREAS, the 2018 Tennessee Teacher of the Year was West End Middle math teacher Cicely Woodard, Una Elementary math teacher Olivia Stastny was featured in the 2020 Corwin Press book “The 5 Practices in Practice: Successfully Orchestrating Mathematics Discussions in Your Elementary Classroom,” and all six MNPS numeracy coaches are women; and

WHEREAS, Vanderbilt University mathematician Dr. Melissa Gresalfi examines how opportunities to learn are constructed in mathematics classrooms, and how, when, and why different students take up those opportunities; and through this lens, has explored the extent to which classroom practices are equitable and examined categories such as race, gender, and previous mathematical experience as they arise in interaction; and

WHEREAS, Tennessee State University professor and Mathematical Sciences Department Chair Dr. Jeannetta Jackson has been teaching at TSU for forty years specializing in mathematics education; and

WHEREAS, Belmont University mathematician, Dr. Michelle Craddock Guinn, earned her Ph.D. from the University of Mississippi, Oxford with a specialization in functional analysis and was awarded the Davies Fellowship from the National Research Council at the Army Research Laboratory in Adelphi, MD; and

WHEREAS, Fisk University Associate Professor of Mathematics Dr. Evelyn Boyd Granville was the second African-American woman to earn a Ph.D. in mathematics from an American university and mentored several other Fisk alumnae who went on to obtain a Ph.D. in mathematics. She created computer software to analyze satellite orbits for NASA space programs in the late 1950s and early 1960s; and

WHEREAS, Fisk University graduate Dr. Gloria Conyers Hewitt was the fourth African-American woman to earn a Ph.D. in mathematics from an American university and the first African-American woman to chair a collegiate math department in the United States; and

WHEREAS, Fisk University biostatistician and Math Department Chair Dr. Cathy R. Martin investigates health disparities and has introduced and teaches a course in biostatistics and enjoys encouraging the next generation of minority scientists.

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

Section 1. That the Metropolitan County Council hereby goes on record as recognizing the month of April as “Mathematics and Statistics Awareness Month” in Nashville and Davidson County, and further recognizing Nashville’s female mathematicians as part of the month-long celebration.

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

INTRODUCED BY:

Angie Henderson
Member of Council

SUBSTITUTE ORDINANCE NO. BL2020-492

**An ordinance to amend Section 12.36.110 of the Metropolitan Code
pertaining to weight restrictions on certain roads.**

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

Section 1. That Section 12.36.110 of the Metropolitan Code is hereby amended by adding the following provision at the end of subsection C: “Further, no person shall operate any vehicle with a gross weight in excess of 31,500 pounds at any time on McCrory Lane, on Poplar Creek Road, or on Old Harding Pike between U.S. Highway 70 South and Highway 100, except that such vehicles may be operated thereon as follows: for the purpose of the occasional delivery and pickup of materials and merchandise at residences and businesses, and for the occasional delivery of building materials for buildings under construction for which a building permit has been obtained.”

1. For the delivery and pickup of materials and merchandise at residences located on or within three miles of one of the routes named herein, provided they make no more than 18 such trips per week to any individual residence;
2. For the delivery and pickup of materials and merchandise at businesses located on or within one mile of one of the routes named herein, provided the property on which the business operates is zoned for commercial use;
3. For the delivery of building materials for buildings under construction for which a building permit has been obtained;
4. For the delivery and pickup of materials for properties under development for which a grading permit has been obtained, provided the property is being developed for residential or commercial use and the grading permit has not been issued for the purposes of filling the property as a result of a prior mineral extraction operation as defined in Section 17.04.060 of the Metropolitan Code or for any other grading activity on agriculturally-zoned property not associated with a residential or commercial development; and
5. When traffic is routed onto one or more of these routes by government officials as a result of an emergency.

Notwithstanding any other provision of this Title to the contrary, the Department of Public Works shall have the authority to issue citations for violations of this subsection C.

Section 2. This ordinance shall take effect from and after its final passage, the welfare of the public requiring it.

SPONSORED BY:

Dave Rosenberg
Member of Council

Summary of License Plate Reader (LPR) Bills and Amendments

BL2020-581

This ordinance amends Section 13.08.080 of the Metropolitan Code to create an exception for law enforcement vehicles from the prohibition on LPRs. The Code currently prohibits the operation of LPRs installed onto or within the public right-of-way except for use in conjunction with a vehicle emissions sensor as part of an emissions inspection program authorized under local, state or federal law.

This ordinance would create another exception from the LPR ban to allow the use of such scanners by law enforcement. Specifically, the ordinance would allow LPRs located within or on a law enforcement vehicle.

A question has been raised as to whether prohibiting the private use of LPRs violates the First Amendment to the United States Constitution. While there are no cases directly on point, an argument can reasonably be made that preventing private homeowners and businesses from using LPRs, as well as recording and disseminating the data, would be a First Amendment violation. Since the restriction would apply only to LPRs, it would likely be considered content-based, thus triggering the highest strict scrutiny standard of judicial review. In order to survive the strict scrutiny test, Metro would have to show that the restriction is related to a compelling governmental interest, is narrowly tailored to achieve that compelling interest, and is the least restrictive means available to meet that objective. This is an extremely difficult standard to overcome.

Amendment #1 (O'Connell)

- Limits the applicability of the LPR use prohibition to Metro employees and contractors to eliminate the First Amendment concerns associated with prohibiting the private use of LPRs

Amendment #2 (O'Connell)

- Allows LPR technology to be used for active parking enforcement
- Provides that LPR data shall be deleted within 30 minutes of the vehicle exiting from a monitored parking space unless that vehicle is suspected of violating parking restrictions

BL2020-582

This ordinance amends Section 13.08.080 of the Metropolitan Code to provide for and regulate the usage of LPR technology. The Code currently prohibits the operation of LPRs installed onto or within the public right-of-way except for use in conjunction with a vehicle emissions sensor as part of an emissions inspection program authorized under local, state or federal law. This ordinance would replace the provisions of subsection G. of Section 13.08.080 entirely. The ordinance preserves the existing emissions inspection program exception, and adds a new comprehensive regulatory structure for other uses of LPR technology.

The ordinance would require departments, either directly or through contractors, who want to use LPRs to implement a usage and privacy policy that would be posted on the department's website.

The policy must be designed “to ensure that the collection, use, maintenance, sharing, and dissemination of LPR information is consistent with respect for individuals' privacy and civil liberties.” The data collected could only be used for the following purposes:

- investigating and prosecuting criminal offenses
- detecting civil traffic or parking offenses
- operating a smart parking or curb management program
- assisting in missing persons cases including Amber and Silver Alerts

Law enforcement agencies must have reasonable suspicion that a criminal offense, or a civil traffic or parking offenses, has occurred before examining any LPR data that was collected more than one hour prior to the examination. Prior to taking any action, law enforcement officers must also 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 determine whether the alert pertains to the registrant of the car and not the car itself.

The usage policy must also provide a description of the employees or contractors who are authorized to use or access the LPR system or to collect LPR information, and the steps that will be taken to ensure the security of the information and exclude identifying information of the driver and passengers to the extent possible. The policy must include the purposes of and restrictions on sharing LPR data, the measures used to ensure the accuracy of the data, and the length of time the data will be retained.

The installation and maintenance of LPR hardware and software, as well as LPR data access, retention, and security, would be managed by an LPR Custodian. The custodian would be responsible for assigning the personnel who will administer the day-to-day operation of the LPR system, and to develop guidelines and procedures for the further implementation of this ordinance. This will include establishing and maintaining security procedures and practices, maintaining a list of the name and job title of all authorized users, training requirements, audit procedures, and a data retention policy. This policy and its related procedures must be posted conspicuously on the department's public website.

The ordinance also includes specific restrictions on the access and use of the department's LPR system, such as supervisor approval and limiting access to those tasks that fall within the specific user's job responsibilities. All users must be specifically trained regarding the LPR system and the usage/privacy policy prior to receiving account access. Users found to have used the LPR system without authorization would have their access immediately revoked and may face disciplinary action in accordance with applicable civil service policies, up to and including termination.

LPR data could 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 a litigation hold has been placed by the Department of Law. T.C.A. § 55-10-302 provides that any LPR data collected by any governmental entity may not be stored “for more than 90 days” unless the data is retained or stored as part of an ongoing investigation, and in that case, the data must be destroyed at the conclusion of the investigation or criminal action. Thus, the state law does not prevent local governments from having a shorter retention period.

The ordinance requires the LPR custodian to perform an audit at least once per year of the LPR system and the access history. The ordinance also provides some limitations on the sharing of

LPR data with other law enforcement agencies. The ordinance further provides that LPR data obtained by Metro from a privately owned or operated LPR system could only be used for the purposes outlined above.

Law enforcement officers who stop vehicles based upon LPR data must complete a written record that includes the following:

- The date, time, and precise location of the stop;
- Any investigative or enforcement actions that were taken as a result of the stop; and
- The self-identified race(s) and ethnicities of the driver of the stopped motor vehicle if voluntarily provided by the driver at the request of the officer.

Amendment #1 (Styles, Johnston, Gamble & Others)

- Limits the uses for LPR from all criminal offenses to now include only:
 - Reckless driving/drag racing in excess of 70mph
 - Identification and recovery of stolen vehicles and license plates
 - Prosecution of violent crime, including homicide and assault
- Also clarifies that LPR cannot be used for general surveillance, repossession, the determination of valid license plate/driver's license, or whether driver is insured. LPR cannot use facial recognition.
- MNPDP must use a two-step scanning process
 - First scan justifies the cause for the search
 - Second scan justifies the action of the search
 - First scan determines if plate is on hot list, second scan gives information about the owner of the plate/vehicle
- Officer must verify license plate is on list for one of the approved purposes. Also requires a query be initiated in NCIC database.
- Requires "technology deployment policy" to prevent misuse and tracking of vulnerable communities
 - LPR placement limited to major and collector streets
 - LPR must be distributed equally across north, south, east, and west quadrants of county
- Requires "data verification policy" to prevent erroneous stops
 - Must have independent verification of data and real-time updated "hot list"
 - LPR system must notify officer when plate is identified in real time
 - Historical LPR data must be searched to determine date and time a plate number on the hot list passed the LPR
- Limits access to LPR system to 10 employees per department. For MNPDP, access to audit log must be given to 2 Councilmembers (as selected by Council) and 1 member of the Community Oversight Board (as determined by COB)
- District Attorney and/or Public Defender may audit LPR
 - Includes language that those misusing LPR can be prosecuted and references state offense and penalty for tampering with evidence
- Reduces retention period for LPR data from 30 day to 10 days
- Metro not allowed to retain personally identifiable information related to LPR
- Metro cannot sell or share LPR for any purpose, other than with law enforcement for limited enumerated law enforcement purposes
- Adds a reporting requirement for MNPDP

- Report due every 2 months during pilot period
- Report due every 3 months once pilot period ends
- Reporting requirements are:
 - Number of LPRs in use, number of matches, number of stops, number of searches, other information Council requests by resolution
- Devices will be procured pursuant to requirements of the Metro Procurement Code

Amendment #2 (Hurt & Johnston)

- Adds a Pilot Program for a period of six to nine months
- At the end of the pilot, the program continues unless terminated by Council resolution

Amendment #3 (Styles)

- Adds a Pilot Program for a period of six months
- At end of 6 months, program terminates unless approved by Council resolution

Amendment #4 (Rosenberg)

- Allows Council to discontinue by resolution all LPR use by Metro
- Requires a determination that a violation of the LPR policies has occurred, which must be signed by a majority of: the District Attorney, Public Defender, and Chair of the Community Oversight Board
- Upon adoption of resolution, all LPR use would cease and all LPR devices would be removed from the right of way

Substitute (Rosenberg)

- Deletes the existing bill language
- It generally prohibits LPR usage by Metro for scanning plates in the right-of-way, except as specifically allowed below. This would only be a limitation on Metro. LPR can be used by the public.
- Metro can use LPR for:
 - Use in law enforcement vehicles
 - Emissions testing (as allowed under current Metro Law, updated with the proposed language in BL2021-679)
 - Parking enforcement
 - Limited use by MNPDP, specifically:
 - Stolen vehicles
 - Vehicles associated with missing or endangered persons
 - Vehicles registered to a person with an outstanding felony arrest warrant
 - Vehicles for which a probable cause search warrant for a felony offense has been obtained
- Other restrictions for use of LPR by MNPDP:
 - Requires visual verification of LPR information
 - LPR data can't be retained for longer than 3 minutes, unless it results in a match for one of the permitted use of LPR
 - Records resulting in a match must be purged within an hour, unless use results in an arrest, citation, or protective custody, or an identified vehicle related to a missing or endangered person
 - All records must be destroyed at conclusion of (1) investigation with no charges filed or (2) conclusion of a criminal action
 - (This comes from the state law pertaining to LPR retention)
 - Data can't be shared for other purposes

- Access to LPR records are limited to a case-by-case basis and inquiries must be recorded for purposes of an audit trail
- District Attorney, Public Defender, or Chair of the Community Oversight Board can audit LPR if there's belief it's being misused. District Attorney, Public Defender, or a majority of the COB can write to Council requesting suspension of the LPR program and Council can grant the request by resolution
- Deployment of LPR would be required to be equitable among MNPB precincts
- Quarterly reporting requirements for MNPB pertaining to number of LPRs in use, number of matches, number of stops, number of searches, number of correct/incorrect matches and associated demographic information like race and ethnicity, and other information requested by Council by resolution
- Requires Council public hearing on the use of LPR no more than six months from the date LPRs are deployed. Within three weeks of public hearing, the Council must vote by resolution on whether LPR use would continue.

Amendment #1 to Rosenberg Substitute

- Removes vehicle emissions program as an allowed use of LPR

Amendment #2 to Rosenberg Substitute

- Removes parking enforcement as an allowed use of LPR

AMENDMENT NO. 1
TO
ORDINANCE NO. BL2020-581

Mr. President –

I move to amend Ordinance No. BL2020-581 by amending subpart 2 of Section 1 as follows:

2. By substituting in lieu thereof the phrase, “It is unlawful for the Metropolitan Government, or any official, agent, contractor, or employee of the Metropolitan Government acting in their official capacity on behalf of the Metropolitan Government, to operate any license plate scanner, regardless of the physical location of the scanning equipment, for the purpose of scanning license plates within the public rights-of-way, with the exception of those that are located within or on a law enforcement vehicle and those employed for uses that meet each of the following requirements:”.

INTRODUCED BY:

Freddie O’Connell
Member of Council

AMENDMENT NO. 2
TO
ORDINANCE NO. BL2020-581

Mr. President –

I move to amend Ordinance No. BL2020-581 by renumbering the existing Section 2 as Section 3, and by adding the following new Section 2:

Section 2. That Section 13.08.080 of the Metropolitan Code is hereby amended by designating the existing subsection H. as subsection I., and by adding the following new subsection H.:

H. In addition to the provisions of subsection G. above, it is lawful to operate a license plate scanner installed onto or within the public right-of-way that meets each of the following conditions:

1. The license plate scanner is used solely and exclusively for determining whether a vehicle is currently and actively violating parking restrictions; and
2. A specific vehicle's license plate number shall be deleted within thirty minutes of its exit from a monitored parking space, unless that vehicle is suspected of violating parking restrictions for which enforcement action would be appropriate.

INTRODUCED BY:

Freddie O'Connell
Member of Council

AMENDMENT NO. 1
TO
ORDINANCE NO. BL2020-582

Mr. President –

I hereby move to amend Ordinance No. BL2020-582 as follows:

I. By amending Section 1, proposed Metropolitan Code of Laws Section 13.08.080, by deleting subsection G.1.a and replacing it with the following:

(a) i. The authorized purposes for using the LPR system and collecting LPR information, which shall be limited to the following:

(1) investigating and prosecuting criminal offenses including, but not limited to, reckless driving, including but not limited to, persons engaged in illegal drag racing activity at speeds in excess of 70 miles per hour;

(2) investigating and prosecuting violent crime, including but not limited to homicide and assault;

(3) identification and recovery of stolen vehicles and stolen license plates;

(4) detecting and parking civil traffic or parking offenses;

(5) operating a smart parking or curb management program; and

(6) assisting in missing persons cases including Amber and Silver Alerts.

ii. The use of an LPR system and collection of LPR information is not authorized and shall not be used for any purpose other than those listed in this section. This prohibition includes, but is not limited to:

(1) the use of LPR for the following: the general surveillance of any individual;

(2) the identification of a vehicle for the purposes of repossession of the vehicle;

(3) the determination of whether a vehicle's license plate is expired;

(4) the determination of whether a motorist has a valid driver's license; or

(5) the determination of whether a motorist is insured.

iii. An LPR system authorized under this section shall not be capable of facial recognition.

iv. 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. In an effort to deter the use of the LPR system by Metropolitan Nashville Police Department (MNPd) for purposes other than law enforcement, a two-step scanning process shall be developed and implemented by MNPd so that the first scan justifies the cause for a search and the second scan justifies the action of a search. The scanning process should be tailored so that the first scan through a database would yield the license plate number and verification of the number on a hot list. If that information is verified, a second scan would be allowed to recover the registered owner's name, address, and criminal record if applicable.

ii v. 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, and that the license plate is on the list for one of the authorized purposes listed in this section. Once confirmed, a query shall be initiated in the National Crime Information Center (NCIC) database by authorized individuals.

II. By adding the following provisions under subsection G. as appropriately designated subsections and renumbering the remaining subsections accordingly:

An LPR technology deployment policy shall be developed and implemented by the MNPD to help prevent misuse of LPR technology to track and unfairly target vulnerable communities. Placement of fixed LPR technology in the public right-of-way shall be limited to major and collector streets as defined in the Nashville Next Major and Collector Street Plan, and the location of cameras shall be distributed equitably across the north, south, east, and west quadrants of the county.

A data verification policy shall be developed and implemented by MNPD to help prevent erroneous and potentially dangerous stops based upon incorrect or outdated information. The policy shall require independent verification of the information yielded from a hot list and real-time updating of hot list data, as well as a comparison of the accuracy of the hot list data with the accuracy of optical character recognition (OCR) output from LPR images. Hot lists shall be transferred daily and be capable of updating by an operator/officer in the field. The LPR system, both for fixed and mobile LPR units, shall function in such a manner so as to notify an officer when a license plate on the hot list is observed in real time. Historical LPR data shall be searched to determine the date and time a license plate number contained on a hot list passed a certain camera. For purposes of this subsection G., “hot list” means the list of license plate numbers law enforcement agencies have identified as being relevant for the investigation and/or prosecution of a criminal offense.

By amending Section 1, proposed Metropolitan Code of Laws Section 13.08.080, by deleting subsection G.3.b and replacing it with the following:

(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. Access shall be limited to no more than ten employees per department. In addition, access to review the Metropolitan Nashville Police Department audit log shall be provided to two members of the Council, as selected by the Council, and to one member of the Community Oversight Board, as selected by the Community Oversight Board.

III. By amending Section 1, proposed Metropolitan Code of Laws Section 13.08.080.G.3, by adding the following new subsection f as follows:

(f) 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 file 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. Nothing in this section shall be construed as limiting the authority of the district attorney general to prosecute any crime involving LPR. This includes, but is not limited to, tampering with evidence, which is a class C felony punishable under Tennessee law with a term of imprisonment of three to fifteen years and a fine not to exceed \$10,000.

IV. By amending Section 1, proposed Metropolitan Code of Laws Section 13.08.080.G.4, by deleting the subsection in its entirety and replacing it with the following:

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~~ 10 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~~ 10 days.

(b) Users who wish to preserve LPR data for longer than ~~30~~ 10 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.

(c) LPR data retained by the Metropolitan Government shall not include any personally identifiable information.

(d) To the extent permitted by state law, the Metropolitan Government shall not sell LPR data for any purpose and shall not share any LPR data, except as provided in subsection G.6.

V. By amending Section 1, proposed Metropolitan Code of Laws Section 13.08.080.G.6, by deleting subsection d and replacing it with the following:

(d) The department shall not share any data with any agency that uses that data in a manner broader than allowed by this policy. Data may only be shared for the purposes outlined in subsection G.1(a).

VI. By amending Section 1, proposed Metropolitan Code of Laws Section 13.08.080 by adding the following new subsection G.7.C:

C. In addition to the reporting requirement in Subsection G.7.B, during the pilot program, the MNPD shall report to the Metropolitan Council the information required by this subsection G.7.C every two months. If a resolution is approved to fully implement the MNPD's use of LPR technology, the MNPD shall report such information to the Metropolitan Council every three months. Each report submitted by the MNPD shall contain 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.

VII. By amending Section 1, proposed Metropolitan Code of Laws Section 13.08.080 by adding the following new subsections G.11:

11. Any device or service necessary to effectuate the provisions of this subsection G shall be procured pursuant to the provisions of Title 4 of the Metropolitan Code of Laws, the Procurement Code.

VIII. By modifying Section 2 as follows:

Section 2. That Section 13.08.030~~080~~ 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;~~ 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.

(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~~ 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 recorded.

SPONSORED BY:

Joy Styles
Courtney Johnston
Jennifer Gamble
Brandon Taylor
Kyonzte Toombs
Angie Henderson
Members of Council

AMENDMENT NO. 2
TO
ORDINANCE NO. BL2020-582

Mr. President –

I hereby move to amend Ordinance No. BL2020-582, as amended, by adding the following new appropriately designated subpart to subsection G.:

 . Prior to the full implementation of a department’s LPR system, each department shall first engage in a pilot program. A department’s pilot program shall extend for a period of no less than six months and no more than nine months, beginning the first day that the LPR system is operational and in use by the department. At the conclusion of the pilot program period, the department shall submit a report to the Council regarding the efficacy of the program, compliance with the provisions of this section, and any policies implemented in order to carry out the use of the LPR system. This report shall be posted on the department’s website. The Council will have 60 days from receipt of such a report to review the information and determine whether the program should continue. The program will be allowed to continue while the Council reviews the report. The Council may terminate this pilot program by resolution during the 60 day review period. If the Council does not terminate the pilot program by resolution at the conclusion of the 60 day period, the department is authorized to fully implement its LPR system.

SPONSORED BY:

Sharon Hurt

Courtney Johnston
Members of Council

AMENDMENT NO. 3
TO
ORDINANCE NO. BL2020-582

Mr. President –

I hereby move to amend Ordinance No. BL2020-582, as amended, by adding the following new appropriately designated subpart to subsection G.:

. Prior to the full implementation of a department's LPR system, there shall be a six-month pilot program beginning the first day that the LPR system is operational and in use by the department to determine whether the continued use of LPR technology is appropriate. At least two weeks prior to the conclusion of the pilot program period, the department shall submit a report to the Council on the efficacy of the program, compliance with the provisions of this section, and any policies implemented in order to carry out the use of the LPR system. This report shall be posted on the department's website. At the end of the six-month pilot program, the use of LPR technology by a department shall cease unless the Metropolitan Council approves the full implementation of the department's use of LPR technology upon adoption of a resolution.

SPONSORED BY:

Joy Styles
Member of Council

AMENDMENT NO. 4
TO
ORDINANCE NO. BL2020-582

Mr. President –

I hereby move to amend Ordinance No. BL2020-582 by amending subsection G. to add the following as a new appropriately numbered subsection, as follows:

The Council shall discontinue by resolution all LPR use by the metropolitan government upon a determination that a violation of the LPR policies outline above has occurred. Such determination is valid if signed by a majority of: the district attorney general, the public defender, and the chair of the Community Oversight Board. Upon the adoption of such resolution, all LPR use by the metropolitan government shall cease and all LPR devices shall be removed from the right of way.

SPONSORED BY:

Dave Rosenberg
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 scheduled to become 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, obtained by lawful or unlawful means, 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.

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 deleting Subsection G in its entirety and replacing it with the following:

1. It is unlawful for the Metropolitan Government, or any official, agent, contractor, or employee of the Metropolitan Government acting in their official capacity on behalf of the Metropolitan Government, to operate any license plate scanner, regardless of the physical location of the scanning equipment, for the purpose of scanning license plates within the public rights-of-way, with the exception of those that are located within or on a law enforcement vehicle and those employed for uses specifically permitted by this subsection.

2. It is lawful to operate a license plate scanner installed onto or within the public right-of-way that meets each of the following conditions:

- 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;
- 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 recorded.

3. It is lawful to operate a license plate scanner installed onto or within the public right-of-way that meets each of the following conditions:

- a. The license plate scanner is used solely and exclusively for determining whether a vehicle is currently and actively violating parking restrictions; and

- b. A specific vehicle's license plate number shall be deleted within thirty minutes of its exit from a monitored parking space, unless that vehicle is suspected of violating parking restrictions for which enforcement action would be appropriate.

Section 2. 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 scanner (LPR) may be used by the Metropolitan Nashville Police Department (MNP) 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 missing or endangered persons.
 - c. Vehicles registered to a person against whom there is an outstanding felony arrest warrant.
 - d. Vehicles for which a probable cause search warrant for a felony offense has been obtained.
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. Unless otherwise required by law, 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 or endangered person 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; the public

defender, or a designee; or the chair of the Community Oversight Board, 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, the public defender, or a majority of the Community Oversight Board believes that an LPR or LPRs have been used in violation of this section, any or all may send a letter to the Metropolitan 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 Metropolitan Council may grant such a request by resolution.

7. Deployment of LPRs shall be executed in a manner that distributes their use equitably among MNPd precincts.
8. MNPd shall report to the Metropolitan Council quarterly, beginning no more than three months from the date LPRs are deployed, the following information compiled since the end date of its most recent report:
 - a. The number of LPRs in use in total and by precinct.
 - 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, and associated demographic information, including race and ethnicity.
 - e. The number of matches where it was determined that all characters were read correctly, and the number of matches where it was determined that at least one character was misread.
 - f. Other information requested by the Metropolitan Council by resolution.
9. The Metropolitan Council shall hold a public hearing regarding the use of LPRs by the Metropolitan government no more than six months from the date LPRs are deployed. No more than three weeks after the public hearing, the Metropolitan Council shall vote by resolution on whether to continue use of LPRs. The resolution shall not be subject to deferral, but amendments to remove certain uses allowed by this section shall be permitted.

Section 3. 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
Sandra Sepulveda
Zulfat Suara
Delishia Porterfield
Freddie O'Connell
Emily Benedict
Members of Council

AMENDMENT NO. 1
TO
ORDINANCE NO. BL2020-582, AS SUBSTITUTED

Mr. President –

I hereby move to amend Ordinance No. BL2020-582, as substituted, by deleting Section 1, proposed subsection G.2, regarding emissions scanning, and renumbering the subsequent subsections accordingly.

SPONSORED BY:

Member of Council

AMENDMENT NO. 2
TO
ORDINANCE NO. BL2020-582, AS SUBSTITUTED

Mr. President –

I hereby move to amend Ordinance No. BL2020-582, as substituted, by deleting Section 1, proposed subsection G.3, regarding parking enforcement.

SPONSORED BY:

Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2021-675

Mr. President –

I move to amend Ordinance No. BL2021-675 by adding the following new recital clauses:

WHEREAS, when the Metropolitan Government was formed in 1963, the consolidated city and county had a population of 377,000 people served by 35 district councilmembers and 5 councilmembers-at-large; and

WHEREAS, today there are approximately 700,000 residents of Metropolitan Nashville and Davidson County, which is an increase of 85.6% since 1963; and

WHEREAS, although the workload has steadily increased over the years, in part due to accessibility changes such as email, cell phones, and social media, councilmembers are still compensated at an extremely modest part-time salary; and

WHEREAS, the periodic compensation study provided in this ordinance should take into consideration the increased size of the city and the increased demands on councilmembers; and

WHEREAS, in addition to Councilmember compensation inadequacies, the current staffing for the Metropolitan Council is not sufficient to address the needs of a vibrant city the size of Nashville.

INTRODUCED BY:

Emily Benedict
Member of Council

SUBSTITUTE ORDINANCE NO. BL2021-675

An Ordinance to amend Chapter 3.52 of the Metropolitan Code pertaining to Councilmember compensation and administrative support studies.

WHEREAS, § 18.05 of the Metropolitan Charter provides that the salaries paid to the Mayor, Vice Mayor, and members of the Metropolitan County Council (“Council”) may be changed by the Council as a part of the general pay plan, but shall not be increased or diminished during the period for which they shall have been elected; and

WHEREAS, a compensation study should be conducted ~~every two years in order~~ when the pay plan for Metro employees is updated, but no more frequently than once every two years, to better inform the Council regarding the appropriate amount of compensation for Councilmembers based upon the duties of the job and comparative relationship with the salaries and administrative support of legislative bodies in comparable cities.

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

Section 1. Chapter 3.52 of the Metropolitan Code is hereby amended by adding the following new Section 3.52.020:

3.52.020 Council compensation studies required.

Upon the approval of an open range increase or a cost of living adjustment as part of the general pay plan for Metropolitan employees, the Metropolitan Department of Human Resources shall conduct a councilmember compensation study every, if such study has not been conducted within the preceding two years, to be completed not later than May 1 of every even year starting in 2022. Such study shall include, but not be limited to, the following:

1. An examination of the salaries of Councilmembers, or the equivalents thereof, in cities that are comparable in size to the Metropolitan Government. The study shall include at least six peer cities.
2. Recommendations regarding whether and to what extent the salaries of the Councilmembers should be modified starting with the next Council term, taking into account:
 - a. The duties of the job;
 - b. The comparative relationship with the salaries of similar classifications in comparable cities;
 - c. The size of the local legislative bodies in comparable cities; ~~and~~
 - d. The administrative support provided to the local legislative bodies in comparable cities; and
 - ~~e.~~ Whether members of the local legislative bodies in comparable cities serve on a part-time or full-time basis.

Section 2. The Department of Human Resources is further authorized to utilize the services of a consultant to be selected by the Department to assist with the compensation study required by this Ordinance. The Metropolitan Council shall provide funding for the services of the consultant as needed.

Section 3. 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:

Kyonzte Toombs

Joy Styles
Members of Council

SUBSTITUTE ORDINANCE NO. BL2021-676

An ordinance amending Title 4 of the Metropolitan Code pertaining to the membership of the Procurement Standards Board and certain contract requirements.

WHEREAS, recent examples of informal subcontracting practices in the private sector demonstrate that the Metropolitan Government, when contracting for certain work in the public sector, may incur substantial risk of liability if awardees similarly fail to follow transparent subcontracting standards; and

WHEREAS, the death of 16-year old Gustavo Ramirez demonstrates that certain practices in the construction industry place the workers in Nashville and Davidson County at risk for serious injury and death; and

WHEREAS, Nashville and Davidson County are now experiencing a shortage of adequately trained, skilled craft laborers, diminishing the Metropolitan Government's ability to maintain public infrastructure and carry out public works in a safe, efficient and workmanlike manner; and

WHEREAS, it is in the best interest of the Metropolitan Government to ensure quality work performed pursuant to publicly procured contracts in order to minimize liability due to employment and safety violations of contracting parties.

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

Section 1. Section 4.08.010 of the Metropolitan Code is hereby amended by deleting subsection B. in its entirety and substituting with the following new subsection B.:

B. Membership of the standards board. The standards board shall be composed of seven members as follows:

1. The director of finance of metropolitan government, who shall serve as chairperson of the board, and who may be represented by a designee;
2. The director of law of metropolitan government, who may be represented by a designee;
3. The head of another department of the metropolitan government, to be appointed to the board by the mayor;
4. One (1) outside member, not an employee or elected official of the metropolitan government, appointed by the metropolitan county council, who shall be selected by that body by a majority vote of its membership, to serve a term of three (3) years, or until a successor has been duly appointed and qualified;
5. Three other outside members, not employees or elected officials of metropolitan government, two of whom shall be appointed by the mayor and one of whom shall be appointed by the ~~Director of the Metro Human Relations Commission~~, as provided herein, and all shall be confirmed by a majority vote of the whole membership of the council. These members shall serve a term of three years, respectively, or until a successor has been duly appointed and qualified; except, of the members first appointed, one shall serve for a term of two years and one shall serve for a term of three years. Of these two outside members appointed by the mayor, at least one shall be a representative of labor.
6. Provided, however, of the seven members, at least one shall be a female and at least one shall be an African American, provided however, that an African-American female shall not satisfy the requirement of one female and one African American, and shall meet the requirement of only one such position.

Section 2. Chapter 4.08 of the Metropolitan Code is hereby amended by adding the following new subsection C of Section 4.08.020:

C. The Standards Board shall provide the public an established process for comment relative to the promulgation of regulations.

Section 3. Section 4.04.080 of the Metropolitan Code is hereby amended by adding the following paragraph:

The Purchasing Division shall also maintain a list of all persons or entities with which Metro Government (inclusive of all departments, agencies, and other public entities) contracts. The list shall note which of those persons or entities have voluntarily disclosed that they employ or utilize temporary laborers as defined in Section 4.20.130. As used in this Section, “temporary laborer” shall mean a natural person who contracts for employment with any person or entity engaged in the business, for profit, of employing such laborers to perform work or provide services to or for any entity performing work within the scope of an award. The Purchasing Division shall create this list by no later than November 1, 2021 and, at least once a year every year thereafter, it shall update and present the list to the Standards Board and the Metro Council.

Section 4. Section 4.12.010 of the Metropolitan Code is hereby amended by deleting the definition of “Responsible bidder or offeror” in its entirety and substituting it with the following new definition:

“Responsible bidder or offeror” means a person who has the capability in all respects to perform fully the contract requirements and the integrity and reliability which will assure good faith performance. A ruling by a court or a finding of a governmental agency of competent jurisdiction of such person’s violation of any federal or state law or regulation regarding employment practices or a final finding citation or penalty issued by a governmental agency of competent jurisdiction of such person’s serious covered violation of any federal or state safety standards shall disqualify that person from meeting the definition of “responsible bidder or offeror” for three (3) years after the ruling or finding, citation, or penalty. Further, a person’s failure to comply with Section 4.20.055 on any prior award shall disqualify that person from meeting the definition of “responsible bidder or offeror” for a period of seven (7) years after the violation.

As used in this Section, “employment practices” shall refer to matters regulated under The Fair Labor Standards Act of 1938, 29 U.S.C. § 201-219; The Family Medical Leave Act, 29 U.S.C. §2601, et seq.; Title VII of the Civil Rights Act of 1964 and 42 U.S.C. 1981 (Section 1981); The Age Discrimination in Employment Act, 29 U.S.C. § 621, et seq.; The Americans with Disabilities Act of 1990, 42 U.S.C. § 12101; The Rehabilitation Act of 1973, 29 U.S.C. § 701, et seq.; the Education Amendments Act of 1972, 20 U.S.C. § 1681, et seq.; the National Labor Relations Act of 1935, 29 U.S.C. § 151, et seq.; or the Tennessee Wage Regulation Act, Tenn. Code. Ann. § 50-2-101, et seq. As used in this section, “a serious covered violation of any federal or state safety standards” shall include “willful” violations, “repeated” violations and any other violations that result in a “fatality” or “catastrophe,” as those terms are have the same meaning as the term is shall used in the Tennessee Occupational Safety and Health Act of 1972, Tenn. Code. Ann. § 50-3-101, et seq., and applicable federal law.

Section 5. Chapter 4.20 of the Metropolitan Code is hereby amended by adding the following new Section 4.20.055:

4.20.055 Subcontractor contracts required.

A. ~~To the maximum extent permitted by Tennessee law, a~~ A person awarded a contract pursuant to this Chapter shall require and obtain written contracts for all work performed within the scope of the award, regardless of the awardee's privity with the person performing the work. Such contracts shall include a description of the work to be performed, the timeframe for completing such work, and the compensation (or method for calculating the compensation) to be paid for the work performed. ~~To the maximum extent permitted by Tennessee law, E~~ every person awarded a contract pursuant to this Chapter is responsible for ensuring that any and all subcontractors, lower tier subcontractors, independent contractors, and any other person performing work within the scope of the award are paid in accordance with the terms of their written contracts.

B. A person awarded a contract pursuant to this Chapter shall furnish to the Procurement Department all such written contracts within 30 days of execution of the contract. Such contracts shall constitute public records subject to public inspection and shall be made readily accessible to the public via posting, whether on a publicly available internet site or by physical posting at the site of the contract work.

C. Failure to comply with either A or B of this Section shall be sufficient evidence of lack of integrity and reliability to disqualify the person from meeting the definition of "responsible bidder or offeror" as defined in this Chapter.

D. Every contract issued pursuant to this Chapter shall contain the following clause (where the "Contractor" shall mean the person awarded a contract with the metropolitan government):

Contractor understands and agrees that it alone is responsible to Metro for all of the work under this Contract. Contractor is responsible for all aspects of the Contract, including those performed by a subcontractor. Contractor is responsible for monitoring any subcontractor or other parties performing work under the Contract and is responsible for ensuring that all responsibilities under the Contract are fulfilled. Contractor will be held responsible in the event of non-compliance by any subcontractor.

Section 6. Chapter 4.20 of the Metropolitan Code is hereby amended by deleting subsections A and B of Section 4.20.100 in their entirety and substituting with the following:

A. ~~Any No~~ No person who ~~may~~ enters into any contractual agreement with the metropolitan government or any agency thereof for any public works or improvements shall be required to furnish personnel information to the metropolitan government. For purposes of this section, "personnel information" means social security numbers, official state or government issued driver licenses or identification numbers, and employee addresses, but does not include ~~maintain for inspection by the purchasing agent certified copies of monthly payroll records, including payroll records that contain employees' names, hours worked, and rates paid, but excluding addresses and social security numbers which shall be deleted or redacted, and~~ Persons entering into a contractual agreement with the metropolitan government or agency thereof for any public works project or improvements shall maintain and preserve such payroll records for the previous three hundred sixty-five days on an ongoing basis. The purchasing agent or his designee may periodically examine the records required to be kept under this section.

B. The purchasing agent is authorized to enter into a contract or contracts with qualified, independent firms to perform the necessary review and investigation to determine compliance with the provisions of this chapter; Except that, for every procurement exceeding the sum of one

million dollars, the purchasing agent shall enter into a contract or contracts with qualified, independent firms to perform the necessary review and investigation to determine compliance with the provisions of this ~~title~~ chapter. This subsection is in no way intended to subject the metropolitan government to any provision of the federal Davis-Bacon Act.

Section 7. Chapter 4.20 of the Metropolitan Code is hereby amended by deleting Section 4.20.105 in its entirety and substituting with the following:

4.20.105 - Utilization of apprentice, training, and certification programs—Employer information.

A. ~~Any~~ Every person submitting a ~~bid or~~ proposal for any construction or public works infrastructure project shall furnish the purchasing agent with the following information:

1. The extent of the employer's utilization of federally registered apprenticeship programs;
2. The extent of the employer's utilization of MC3 and MCCR training curriculum;
3. Number of OSHA 10-certified and OSHA 30-certified individuals on project;
4. Number of OSHA 100-certified individuals on project;
5. Percentage of employees on project covered by health benefits offered by the employer; and
6. Percentage of employees on project covered by workers' compensation by employer.

B. To the maximum extent permitted by Tennessee law, ~~t~~The procurement standards board shall establish criteria for weighing the factors set forth in subsection A of this section when evaluating a ~~bid or~~ proposal for any construction or public works infrastructure projects.

C. Nothing herein shall be deemed to require a person submitting a proposal for any construction or public works infrastructure project to provide health insurance benefits to persons employed by such person unless required by state or federal law.

Section 8. Chapter 4.20 of the Metropolitan Code is hereby amended by adding the following new Section 4.20.130:

4.20.130 – Sanitation Measures.

Every person awarded a contract for construction or public works infrastructure projects shall ensure that all individuals performing work on the project have, at a minimum, completed OSHA 10 training prior to commencing work.

Every person awarded a contract for construction projects shall ensure there is at least one handwashing station on every floor of the facility being constructed. Further, every person awarded a contract for construction projects shall ensure that toilets are provided consistent with OSHA Standard No. 1926.51, as amended; except that in no event shall there be fewer than two (2) toilets on the site of the contract work. During the pendency of an emergency order from the State or County Health Department, persons awarded a contract for construction shall provide any personal protective equipment recommended by the Department at no cost to individuals working within the scope of the award.

Section 9. Chapter 4.20 of the Metropolitan Code is hereby amended by adding the following new Section 4.20.140:

4.20.140 – Temporary Labor.

A person awarded a contract or any subcontractor in privity with that person must offer, in writing, direct employment to any temporary laborer that performs 30 days of work within the scope of the

award. As used in this Section, "temporary laborer" shall mean a natural person who contracts for employment with any person or entity engaged in the business, for profit, of employing such laborers to perform work or provide services to or for any entity performing work within the scope of an award.

Section 10. This Ordinance shall take effect from and after its enactment, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Sandra Sepulveda
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-578

Mr. President –

I hereby move to amend Ordinance No. BL2020-578 by amending Section 4 by adding the following conditions at the end thereof:

5. The existing roads and sidewalks shown on the plat of record as Instrument No. 20151210-0124463 (the "Plat") will not be modified in a manner that adversely affects surrounding properties within the specific plan. Any change in the size or location of the private drive shown as "City Place" on the Plat and the private drive shown as "Road B - City Place" on Sheet 3 of this Amended Preliminary SP shall require Council approval as an amendment to the SP.
6. The developer and contractors shall utilize a private off-site parking area with a shuttle service for construction workers during the entire construction process; public on-street parking shall not be counted for this off-site parking area.

INTRODUCED BY:

Brandon Taylor
Member of Council

SUBSTITUTE ORDINANCE NO. BL2021-670

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from R10 to ~~ON~~ SP zoning for property located at 2649 Smith Springs Road, approximately 315 feet west of Bell Road (0.17 acres), all of which is described herein (Proposal No. 2020Z-139PR-001).

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from R10 to ~~ON~~ SP zoning for property located at 2649 Smith Springs Road, approximately 315 feet west of Bell Road (0.17 acres), being Property Parcel No. 047 as designated on Map 136-00 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the uses of this SP shall be limited to Single Family Residential, Personal Instruction, and Personal Care Services.

Section 3. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. Upon a determination that the existing building will be used on this property and no new building will be constructed, the executive director of the Metro Planning Department may waive the final site plan requirement pursuant to Metropolitan Code Section 17.40.106.G. Building permit(s) shall still be required as determined by the Metro Codes Dept.
2. If the existing building is enlarged or replaced with a new building, a Final Site Plan meeting the requirements of Subsections 17.40.105.G and 17.40.170.B of the Metro Code shall be required.

Section 4. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee, based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increases the permitted density or floor area, adds uses not otherwise permitted, eliminates specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or adds vehicular access points not currently present or approved.

Section 5. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of ON zoning districts as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 2 ~~6~~. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed,

upon the enactment and approval of this ordinance, to cause the change to be made on Map 136 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3 7. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Delishia Porterfield
Member of Council

SUBSTITUTE ORDINANCE NO. BL2021-673

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from R6 to RM20-A-NS zoning for properties located at 810 McKinley Street and McKinley Street (unnumbered), at the southwest corner of Lincoln Street and McKinley Street (0.41 acres), all of which is described herein (Proposal No. 2021Z-012PR-001).

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from R6 to RM20-A-NS zoning for properties located at 810 McKinley Street and McKinley Street (unnumbered), at the southwest corner of Lincoln Street and McKinley Street (0.41 acres), being Property Parcel Nos. 019, 020, 021, 022, 023 as designated on Map 070-08 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 070 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Kyonzté Toombs
Member of Council

2021Z-012PR-001
Map 070-08, Parcel(s) 019-023
Subarea 03, Bordeaux - Whites Creek - Haynes Trinity
District 02 (Toombs)
Application fee paid by: Joshua S McDonald

A request to rezone from R6 to RM20-A-NS zoning for properties located at 810 McKinley Street and McKinley Street (unnumbered), at the southwest corner of Lincoln Street and McKinley Street (0.41 acres), requested by XE Development Company, LLC, applicant and owner.

