

AMENDMENT NO. ____
TO
RESOLUTION NO. RS2023-2062

Mr. President –

I hereby move to amend Resolution No. RS2023-2062, as amended, substituted, or otherwise, by amending the recitals as follows:

WHEREAS, Senate Bill No. 87 and House Bill No. 48, recorded with the Secretary of State as Chapter 21 of the Public Acts of 2023 (the "Act"), approved by the Tennessee General Assembly, with all members of the Davidson County Delegation voting against it, and signed into law by the Governor on March 9, 2023, limits the size of the membership of a metropolitan council to no more than 20 members and provides for a novel process and an expedited timeline to adopt legislation determining the new makeup of the Metropolitan County Council and the new district boundaries; and

~~WHEREAS, the Metropolitan County Council has determined that the makeup of the membership of the governing body should be as consistent as practicable with the Metropolitan Charter, adopted by referendum in 1962 which provides for 35 district council members and 5 at-large council members by maintaining both district members and at-large members; and~~

~~WHEREAS, in conformance with the Act's mandate to reduce the size of the Metropolitan Council to no more than 20 members, the Metropolitan County Council has determined that the appropriate number of council members should be 17 district council members and 3 at-large council members; and~~

WHEREAS, the Act provides that the council size reduction to the size of a metropolitan council is to take effect as of the next general metropolitan election after the effective date of the Act and the next general metropolitan election is scheduled for August 3, 2023; and

~~WHEREAS, the next general metropolitan election is scheduled for August 3, 2023; and~~

WHEREAS, the Act does not expressly contemplate a process or timeline for the determination of the appropriate number for the size of the council, but does expressly provides that within 30 days of the effective date of the Act, the metropolitan planning commission shall establish new district boundaries using the most recent federal census to ensure that a reapportionment maintains substantially equal representation based on population and otherwise complies with the United States and Tennessee constitutions and state and federal law; and

WHEREAS, the Act further provides that upon approval of the council districts by the Planning Commission, the Metropolitan County Council as currently constituted shall approve the new council district boundaries (the "Redistricting Plan") by resolution in less than one month on or before May 1, 2023; and

WHEREAS, the Act does not provide sufficient time for a thoughtful and deliberative legislative or voter-driven process to determine the appropriate size of the Metropolitan County Council and effectively places that decision with the appointed officials with Planning Commission; and

WHEREAS, if not for the Act, an amendment to the Metropolitan Charter would be required to reduce the size of the Metropolitan County Council; and

WHEREAS, Article 19 of the Metropolitan Charter requires an amendment to the Metropolitan Charter originate either with a resolution adopted by not less than two-thirds of the membership to which the Council is entitled or a petition signed by at least ten percent of those registered to vote in Nashville-Davidson County; and

WHEREAS, whether initiated by resolution or petition, the Metropolitan Charter requires a referendum election to be held and the proposed amendment must receive a majority of the votes cast at the referendum election in order to be ratified; and

WHEREAS, the voters of Nashville and Davidson County recently voted to approve this charter amendment process at a referendum election held on August 4, 2022, with nearly 60% of voters approving the change; and

WHEREAS, in an effort ~~order~~ to comply with the unnecessarily tight timelines set forth in the Act, it is necessary for the Planning Commission ~~abridge their regular redistricting process, which was most recently completed in 2022, in order to develop new district boundaries and hold a special meeting of the Planning Commission to be able to~~ submit the Redistricting Plan to the Metropolitan County Council ~~with all deliberate speed, but in no event later than April 8¹⁰, 2023, to comply with the Act, in order to permit sufficient time for candidates running for district and at large seats under the Redistricting Plan to qualify with the Davidson County Election Commission;~~ and

WHEREAS, due to the abridged redistricting process timeline communities, neighborhoods, and voters are unable to fully participate in the process leading to unnecessary political divisions and arguments among them; and

WHEREAS, the Metropolitan County Council is ~~of the understanding~~ aware that the Metropolitan Director of Law, on behalf of the Metropolitan Government of Nashville and Davidson County (“Metropolitan Government”), ~~intends to~~ has filed a complaint challenging the legality of the Act, the result of which could impact implementation of the Redistricting Plan; and

WHEREAS, the Metropolitan County Council recognizes that it is required to comply with applicable Tennessee laws, including the Act, unless and until a court rules that compliance is not necessary; and

WHEREAS, the Act specifically authorizes legislative action by resolution if necessary to effectuate the provisions of the Act; and

WHEREAS, this resolution to legislatively designate the size of the council is an effort to fully comply with the Act, provide the direction to the Planning Commission that the Act fails to provide, and be as consistent with the provisions of the Metropolitan Charter as practicable under undue hardship.

INTRODUCED BY:

Jeff Syracuse
Member of Council