

serve a four-year term to expire on January 1, 1997; the successors of those members whose terms are set to expire on January 1, 1994 and who joined the commission in August, 1992 shall serve a three-year term to expire on January 1, 1997; the successors of those members whose terms are set to expire on January 1, 1994 and who joined the commission in November, 1990; March, 1989; April 1989; and September, 1992 shall serve a term of four years to expire January 1, 1998; the successors of those members whose terms are set to expire January 1, 1995 and who joined the commission in August, 1992 shall serve a term of four years to expire January 1, 1999; the successors of those members whose terms are set to expire January 1, 1995 and who joined the commission in February, 1991 and March 1992 shall serve a term of five years to expire January 1, 2000; and the successor of that member whose term is set to expire January 1, 1996 shall serve a term of four years to expire January 1, 2000. Each commission member shall thereafter serve a period of four years from their appointment dates of January 1, 1997; January 1, 1998; January 1, 1999 and January 1, 2000. The term of the member of council shall be two years. In no event shall the term of the council member extend beyond the council term in which they were elected. All vacancies of any commission member shall be filled for the balance of the unexpired term in the same manner as original appointments.

Section 2. That Section 2.112.040 of the Metropolitan Code of Laws is further amended by deleting Subsection H in its entirety and replacing it with the following:

H. Award funds appropriated to it by the metropolitan council to deserving nonprofit civic and nonprofit charitable organizations. Criteria for the awarding of such funds shall be established by the Metropolitan Nashville Arts Commission and approved by ordinance of the metropolitan council each year before funds are awarded. The criteria for the awarding of funds must be presented to the arts, parks, libraries, and entertainment committee, or a successor committee to which arts-related legislation is referred, of the metropolitan council prior to the filing of the ordinance.

1. A "nonprofit charitable organization" is defined as one in which no part of the net earnings benefit any private shareholder or individual and which provides year-round services benefiting the general welfare of the residents of the municipality.
2. A "nonprofit civic organization" is defined as a civic organization exempt from taxation pursuant to Section 501(c) of the IRS Code. A nonprofit civic organization must operate primarily for the purpose of bringing about civic betterment and social improvements through efforts to maintain and increase employment opportunities in the municipality.
3. For purposes of this code section, both nonprofit charitable organizations and nonprofit civic organizations shall be involved in the study, participation in and appreciation of the visual, performing and literary arts for the Metropolitan Nashville and Davidson County area.

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

Analysis

This ordinance amends Chapter 2.112 of the Metropolitan Code of Laws regarding the Metropolitan Nashville Arts Commission ("Arts Commission").

This legislation would amend the membership of the Arts Commission to add a Council Member who serves on the Arts, Parks, Libraries, and Entertainment Committee. The Arts, Parks, Libraries, and Entertainment Committee would select this Council Member. The selected Council Member's term on the Commission would be two years. This term would not extend past the Council term in which the Council Member was elected.

Under current law, the Council is authorized to approve by resolution the criteria established by the Arts Commission for the awarding of grant funds to deserving nonprofit civic and nonprofit charitable organizations. The current law also contains language regarding Council's approval of the grant awards; however, these provisions were preempted by state law in 1995 (See T.C.A. § 7-3-314(d)).

The ordinance under consideration would require the criteria established by the Arts Commission for the awarding of grant funds to be approved by the Metropolitan Council by ordinance instead of resolution. In addition, the criteria would be approved each year before funds are awarded. These criteria must also be presented to the arts, parks, libraries, and entertainment committee before an ordinance is filed.