



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: RS2024-264

Type: Resolution **Status:** Passed

File created: 2/13/2024 **In control:** Metropolitan Council

On agenda: 2/20/2024 **Final action:** 2/20/2024

Title: A resolution urging the Tennessee General Assembly to support House Bill 1967/Senate Bill 2162, allowing local legislative bodies to approve water and sewer infrastructure via resolution rather than by ordinance.

Sponsors: Bob Nash, Sean Parker

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/21/2024	1	Mayor	approved	
2/20/2024	1	Metropolitan Council	adopted	
2/20/2024	1	Rules, Confirmations, and Public Elections Committee	approved	
2/13/2024	1	Metropolitan Council	filed	

A resolution urging the Tennessee General Assembly to support House Bill 1967/Senate Bill 2162, allowing local legislative bodies to approve water and sewer infrastructure via resolution rather than by ordinance.

WHEREAS, Tennessee Code Annotated § 7-35-401 currently authorizes Tennessee incorporated cities and towns to “own, acquire, construct, extend, equip, operate and maintain... a waterworks system or a sewerage system, to provide water or sewerage service and to charge for such service”; and

WHEREAS, Tennessee Code Annotated § 7-35-406 requires incorporated cities and towns to appoint boards of waterworks and sewerage commissioners to oversee local water and sewer systems. Such boards are endowed with the power and responsibility to oversee matters pertaining to construction, extensions, improvements and repairs necessary to proper completion of water and sewer infrastructure or “works”, and to accept such works, followed by approval of such acceptance by the governing body of the city. (Tenn. Code Ann. §7-35-412) Alternatively, cities’ governing bodies may themselves elect to perform the duties ordinarily required of boards (Tenn. Code Ann. §7-35-406); and

WHEREAS, if the local governing body of an incorporated city or town elects to perform the duties of a board of waterworks, Tennessee Code Annotated § 7-35-406 does not specify precisely how such body is to accept water and sewer works; that is, whether by ordinance or by resolution; and

WHEREAS, absent a specific provision under general law or within the Metropolitan Charter that allows legislation to be enacted via resolution, the Metropolitan Council must exercise its legislative authority only by ordinance, per Section 3.05 of the Metropolitan Charter. As a result, approvals of water and sewer works in Davidson County have been through ordinances rather than by resolution; and

WHEREAS, ordinances allowing for the approval of water and sewer works occupy larger and larger segments of Metropolitan Council agendas. Within the past year, such ordinances have constituted as much

as fifty-three percent (53%) of all ordinances on the Council agenda. (See, e.g., Metropolitan Council Agenda, May 2, 2023). Allowing for the approval of water and sewer works via resolution rather than ordinance would expedite infrastructure approvals, reduce the volume of items on Council and committee agendas, while nevertheless preserving options for Council members and the public to review, scrutinize, and defer or withdraw infrastructure proposals if necessary; and

WHEREAS, in pursuit of these objectives, House Bill 1967/Senate Bill 2162 has been introduced before the Tennessee General Assembly by Representative Jason Powell and Senator Jeff Yarbro. If enacted, the legislation would allow the Metropolitan Council, and other similarly situated local legislative bodies, to approve water and sewer works through resolution rather than ordinances, thereby expediting infrastructure approvals and enabling greater governmental efficiencies; and

WHEREAS, it should be noted that under Tennessee Code Annotated § 7-34-109, it is provided that bonds issued to pay for the “construction, acquisition, reconstruction, improvement, betterments or extension of any public works” may be authorized by resolution of the governing body; and

WHEREAS, it is fitting and proper that the Metropolitan Council express its support for House Bill 1967/Senate Bill 2162.

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

Section 1. That the Metropolitan Council hereby goes on record as urging the Tennessee General Assembly to support House Bill 1967/Senate Bill 2162, sponsored by Representative Jason Powell and Senator Jeff Yarbro.

Section 2. The Metropolitan Clerk is directed to send a copy of this Resolution to each member of the Davidson County Delegation to the Tennessee General Assembly.

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.