Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #:	RS2022-1475		
Type:	Resolution	**Status:**	Passed
File created:	4/12/2022	**In control:**	Charter Revision Committee
On agenda:	5/5/2022	**Final action:**	5/5/2022
Title:	A resolution providing amendments to the Charter of the Metropolitan Government of Nashville and Davidson County, Tennessee, in accordance with Article 19, Section 19.01 thereof, and setting forth a brief description of each amendment to be placed upon the ballot.		
Sponsors:	Angie Henderson		
Indexes:			
Code sections:			
Attachments:	1. Charter Amendment 1 - Charter Article 19, 2. Charter Amendment 2 - MNPD employment reqt, 3. Charter Amendment 3 - Board of Health, 4. Charter Amendment 4 - NDOT Creation, 5. Amendment 1A to RS2022-1475, 6. Amendment 3A to RS2022-1475, 7. Amendment 1B to RS2022-1475, 8. Substitute RS2022-1475		

Date	Ver.	Action By	Action	Result
5/5/2022	1	Metropolitan Council	adopted	Pass
5/5/2022	1	Metropolitan Council	approved	Pass
5/5/2022	1	Metropolitan Council	approved	Pass
5/5/2022	1	Metropolitan Council	approved	Pass
5/5/2022	1	Metropolitan Council	approved	Pass
5/5/2022	1	Metropolitan Council	substituted	
5/5/2022	1	Metropolitan Council	amended	
4/19/2022	1	Metropolitan Council	deferred	
4/19/2022	1	Metropolitan Council	amended	
4/19/2022	1	Metropolitan Council	referred	
4/19/2022	1	Charter Revision Committee	approved with amendments and re-referred	
4/12/2022	1	Metropolitan Council	filed	
4/11/2022	1	Charter Revision Commission	approved	

A resolution providing amendments to the Charter of the Metropolitan Government of Nashville and Davidson County, Tennessee, in accordance with Article 19, Section 19.01 thereof, and setting forth a brief description of each amendment to be placed upon the ballot.

WHEREAS, Article 19, Section 19.01 of the Charter of The Metropolitan Government of Nashville and Davidson County, Tennessee provides that the Metropolitan Government shall not adopt a resolution proposing amendments to the Charter more often than twice during the term of office of members of the Metropolitan Council; and

WHEREAS, Article 19, Section 19.01 of the Charter further requires to be set forth in the adoption resolution a

brief description of each amendment so worded so as to convey the meaning of said amendment; and

WHEREAS, it is the desire of the Metropolitan Council by adopting this resolution to fulfill these two Charter requirements.

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

Section 1. Pursuant to the provisions of Article 19, Section 19.01 of the Charter of the Metropolitan Government of Nashville and Davidson County, the proposed amendments to the Charter of the Metropolitan Government of Nashville and Davidson County, attached hereto, are submitted to the people for approval in the manner provided by Section 19.01 of the Charter.

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 August 4, 2022.

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.

Analysis

This resolution provides four amendments to the Metropolitan Charter. Three of the amendments were submitted by the administration and one was submitted by members of Council.

In order to qualify for the August 4, 2022, election an amendment resolution needs to have been filed at least 80 days prior to the election and filed with the election commission at least 75 days prior to the election.

The Charter Revision Commission met on April 11, 2022, to review the proposed amendments. The Commission recommendations are included in the individual amendment analyses herein. The Council will first take up the Charter Amendment Resolution on April 19 with a recommendation to defer to the May 5 Council meeting (Note: the meeting will occur on Thursday May 5 because Tuesday May 3 is election day). The Charter Revision Committee will meet on April 19 to discuss the Charter Revision Commission recommendations and any proposed amendments.

At the May 5 Council meeting the votes will be taken to determine whether the individual Amendments will be placed on the August ballot. Each individual Amendment must receive 27 affirmative votes in order to be made a part of the Charter Amendment Resolution, and the Charter Amendment Resolution itself must also receive 27 affirmative votes. Charter amendments and resolutions proposing Charter amendments do not require mayoral approval.

The Council is not required to follow the recommendations of the Charter Revision Commission when determining whether to submit a Charter amendment to the voters. Notations of the Charter Revision Commission are included with this analysis.

Amendment No. 1 (Mendes, Henderson, Toombs) proposes to replace the existing Article 19 related to procedures for amending the Charter. The Amendment would modify the processes and requirements for amending the Charter by adoption of a resolution by the council or by citizen petition. The Amendment proposes specific contents for both the resolution and petition: the title of the amendment, a summary of the

amendment not to exceed two hundred words, the actual text of the amendment, and a statement of financial impact of the amendment. The Amendment would require Charter Revision Commission to review an amending resolution prior to adoption and to certify a petition prior to circulation for signatures. Regarding amending the Charter by petition, the Amendment outlines the legal challenge process, requires that petitions be signed by fifteen percent of registered voters as of the date of certification, and requires that petitions be returned within seventy-five days of certification. Currently, the Charter is silent on the process for legal challenges to petitions for amendment and the Charter requires petitions to be signed by ten percent of the registered voters who voted in the preceding general election.

The Amendment provides that a referendum on amending the Charter would occur at the August or November election that is more than ninety days following the Election Commission certification. Currently, the Charter allows the petition or resolution to set the date for the referendum election and there is no requirement that it be held in conjunction with a regular election. The Amendment establishes the Charter Revision Commission membership, powers, and duties by Charter rather than ordinance. The Amendment would require strict compliance with the provisions of the Article.

The Charter Revision Commission recommended approval of the Charter Amendment with a minor amendment. The Commissioners sought to add clarity to Section 19.03(b) by adding the phrase “the petition” between the phrases “shall file” and “with the metropolitan clerk.” This recommendation was accepted by the sponsors and is included in the Amendment as filed in this resolution.

Amendment No. 2 (Suara, Pulley, Evans) would change the physical fitness qualifications for police officers. Currently, police officers must meet the same physical requirements for admission to the U.S. Army or Navy. The Amendment would allow the requirements to be set by the civil service commission. The Amendment would modify U.S. citizenship requirements to be consistent with state law.

The Charter Revision Commission recommended approval of this Charter Amendment.

Amendment No. 3 (Henderson, Evans) would modify Article 10 of the Charter related to the Department of Health. The Amendment would add an additional member to the Board of Health and update the qualifications for the members. The Amendment would clarify the distinction between the Board of Health and the Department of Health which would expressly move administration of specific functions to the Department of Health with oversight by the Board of Health. The Amendment would remove the requirement that the Director of Health be a medical doctor and provide that if the director is not a medical doctor, then there must also be a Chief Medical Officer who is a medical doctor or doctor of osteopathy.

The Charter Revision Commission recommended approval of this Charter Amendment.

Amendment No. 4 (Henderson, Young) removes the Department of Public Works from the Charter and uses Article 8, Chapter 4 to create the Department of Transportation and Multimodal Infrastructure (“NDOT”). The Amendment provides for the express responsibilities of NDOT which are related to design, maintenance, and regulation of transportation, traffic control devices, parking, vehicles for hire, and rights of way infrastructure. The Amendment would also place with NDOT capital expenditure oversight for transportation and right of way capital improvement projects. The Amendment provides for the qualifications of the director and the process for filling a vacancy in the position.

While the functions and services provided by the former Department of Public Works related directly to transportation and rights of way infrastructure are carried forward by NDOT, the Amendment would remove other functions from NDOT responsibility. Metro would continue to provide the services all the services provided by Public Works but would provide them in other capacities. Of note, the Amendment removes solid waste services, however, this service is provided elsewhere in the Charter and is currently under the operation of Metro Water Services. Approval of this Amendment by referendum vote will require significant amendments to update the Metropolitan Code of Laws.

The Charter Revision Commission recommended approval of this Charter Amendment.