



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** BL2024-476

**Type:** Bill (Ordinance)      **Status:** Passed

**File created:** 7/26/2024      **In control:** Rules, Confirmations, and Public Elections Committee

**On agenda:** 10/1/2024      **Final action:** 10/1/2024

**Title:** An ordinance to amend Chapter 2.112 of the Metropolitan Code of Laws regarding the membership of the Metropolitan Nashville Arts Commission and the process for approving the criteria for awarding funds.

**Sponsors:** Delishia Porterfield

**Indexes:**

**Code sections:**

**Attachments:** 1. Amendment No. 1 to BL2024-476

| Date       | Ver. | Action By  | Action                              | Result |
|------------|------|--|-------------------------------------|--------|
| 10/11/2024 | 1    | Metropolitan Council                                 | effective                           |        |
| 10/2/2024  | 1    | Mayor  | approved                            |        |
| 10/1/2024  | 1    | Metropolitan Council                                 | passed on third reading             |        |
| 9/17/2024  | 1    | Metropolitan Council                                 | passed on second reading as amended |        |
| 9/17/2024  | 1    | Metropolitan Council                                 | motion failed                       | Fail   |
| 9/17/2024  | 1    | Metropolitan Council                                 | amended                             |        |
| 9/17/2024  | 1    | Metropolitan Council                                 | previous question                   | Fail   |
| 9/17/2024  | 1    | Rules, Confirmations, and Public Elections Committee | approved with an amendment          |        |
| 9/17/2024  | 1    | Arts, Parks, Libraries, and Entertainment Committee  | approved with an amendment          |        |
| 9/16/2024  | 1    | Budget and Finance Committee                         | approved with an amendment          |        |
| 9/3/2024   | 1    | Metropolitan Council                                 | deferred                            |        |
| 8/20/2024  | 1    | Metropolitan Council                                 | deferred                            |        |
| 8/6/2024   | 1    | Metropolitan Council                                 | passed on first reading             |        |
| 7/30/2024  | 1    | Metropolitan Council                                 | filed                               |        |

An ordinance to amend Chapter 2.112 of the Metropolitan Code of Laws regarding the membership of the Metropolitan Nashville Arts Commission and the process for approving the criteria for awarding funds.

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

Section 1. That Section 2.112.020 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

2.112.020 - Membership and term of office.

The commission shall be composed of fifteen members to be appointed by the mayor and to serve without compensation. All members of the commission shall be confirmed by the metropolitan county council. The members shall serve staggered terms of four years. 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 resolution of the metropolitan council each year before funds are awarded.

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, as amended, amends Chapter 2.112 of the Metropolitan Code of Laws regarding the Metropolitan Nashville Arts Commission ("Arts Commission").

This legislation would amend Chapter 2.112.020 of the Metropolitan Code to delete language referencing the original staggering of the membership of the Arts Commission. Instead, language would be added to state that members would serve staggered terms of four years.

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 remove the preempted provisions. It would continue to require the criteria established by the Arts Commission for the awarding of grant funds to be approved by the Metropolitan Council by resolution; however, the criteria would be approved each year before funds are awarded. An amendment added at the September 17 Council meeting requires the annual resolution indicate whether the award criteria had changed from the prior year.

