File #: RS2020-518, **Version:** 1

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 December 5, 2020.

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.

AMENDMENT NO. ___

I. Section 6.07 of Article 6 of the Charter of The Charter of The Metropolitan Government of Nashville and Davidson County shall be amended by adding the following new provision to the end of the Section:

Notwithstanding the foregoing provisions of this section to the contrary, and to the extent permitted by Tennessee law, an increase in the combined general services district tax rate, including the school tax rate, and the urban services district tax rate adopted pursuant to this section shall not exceed twelve percent over any given two year period over the combined general services district and urban services district tax rate for the prior two years without approval of the qualified voters at a referendum election.

FOR THE BALLOT
Amendment No. ___

This amendment, to the extent permitted by Tennessee law, would prohibit the property tax rate adopted by the Council from increasing more than twelve percent over a two year period without approval of the voters at a referendum election.

AMENDMENT NO. ___

I. Section 5.03 of Article 5 of the Charter of The Metropolitan Government of Nashville and Davidson County shall be

amended by adding the following new provision at the end of the Section:

“To the extent permitted by Tennessee law, an executive order issued by the mayor declaring a state of emergency shall expire after 30 days unless extended by the mayor and approved by the council upon adoption of a resolution receiving 30 affirmative votes. Such resolution(s) shall not extend the declaration of a state of emergency for more than fourteen days at a time, provided there is no limitation regarding the number of fourteen day extensions the council may approve.”

II. Section 10.106 of Chapter 1 of Article 10 of the Charter of The Metropolitan Government of Nashville and Davidson County shall be amended by adding the following new provision to the end of the Section:

“To the extent permitted by Tennessee law, an emergency health order issued by the chief medical director, including but not limited to such orders issued pursuant to a declaration of public health emergency by the board, shall expire after 30 days unless extended by the chief medical director and approved by the council upon adoption of a resolution receiving 30 affirmative votes. Such resolution(s) shall not extend the declaration of an emergency health order for more than fourteen days at a time, provided there is no limitation regarding the number of fourteen day extensions the council may approve.”

FOR THE BALLOT
Amendment No. ___
This amendment would provide that, to the extent permitted by Tennessee law, an executive order issued by the Mayor declaring a state of emergency and/or an emergency health order issued by the Metropolitan Director of Health expires after 30 days unless an extension is approved by a resolution of the Metropolitan Council receiving 30 affirmative votes. Such extensions would be limited in duration to fourteen days per extension.

AMENDMENT NO. ___
I. Section 19.01 of Article 19 of the Charter of The Metropolitan Government of Nashville and Davidson County shall be amended by deleting the following sentence:

“The council shall not adopt a resolution proposing amendments to this Charter more often than twice during the term of office of members of said council, nor shall any such amendment or amendments be submitted by petition more often than once in each two years.”

And by substituting with the following new sentence:

“The council shall not adopt a resolution proposing amendments to this Charter more often than twice during the term of office of members of said council, nor shall any such amendment or amendments be submitted by petition more often than once per calendar year.

FOR THE BALLOT
Amendment No. ___
This amendment would allow amendments to the Metropolitan Charter to be submitted by petition no more often than once per calendar year instead of once in each two years.

This resolution proposes three amendments to the Metropolitan Charter. This resolution would set a special election to approve the Charter amendments on December 5, 2020. T.C.A. § 2-3-204(a) requires that elections on questions submitted to the people be held not less than 75 nor more than 90 days after the Election Commission is directed to hold the election. The Election Commission voted to tentatively place the petition-led Charter amendment on the ballot for December 15, 2020 (instead of December 5), pending determination by the court. However, if adopted, this resolution could not be placed on the December 15, 2020 ballot as we are less than 75 days from December 15.

Pursuant to Section 19.01 of the Metropolitan Charter, the Council may only adopt two resolutions during the term that submit Charter amendments to the voters for ratification. Each proposed amendment to the Charter must be adopted by 27 affirmative votes of the Council and the resolution itself must be adopted by 27 affirmative votes to become effective. The Council adopted its first Charter amendment resolution of the term at the September 15, 2020 Council meeting.

The proposed Charter amendments are as follows:

- The first amendment amends Section 6.07 to provide that to the extent permitted by Tennessee law, the property tax rate adopted by the Council may not increase more than 12% over a two year period without approval of the voters at a referendum election. The Department of Law issued a legal opinion on September 28, 2020 regarding the petition-led Charter amendment opining that property tax limitations in the Charter violate state law since the county legislative body has the exclusive responsibility for setting the tax levy and there is no provision in state law authorizing a limitation to the taxing authority of the Metropolitan Council. Thus, a state law change would likely be needed before this amendment could become effective.
- The second amendment would provide that, to the extent permitted by Tennessee law, an executive order issued by the Mayor declaring a state of emergency and/or an emergency health order issued by the Metropolitan Director of Health expires after 30 days unless an extension is approved by a resolution of the Metropolitan Council receiving 30 affirmative votes. Such extensions would be limited in duration to fourteen days per extension.
- The third amendment would provide that Charter amendments may be submitted by petition no more often than once per calendar year instead of once in each two years.

The Charter Revision Commission recommended disapproval of these Charter amendments at their September 11 meeting.