



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2023-2062, **Version:** 1

A resolution directing the Metropolitan Planning Department to prepare a Council redistricting plan consisting of 17 district councilmembers and 3 councilmembers at-large to comply with state law; requesting the Metropolitan Planning Commission to hold the necessary meeting(s) to approve the redistricting plan; and requesting the Vice Mayor to call any special Council meeting(s) that may be required to effectuate the redistricting plan.

WHEREAS, Senate Bill No. 87 and House Bill No. 48, recorded with the Secretary of State as Chapter 21 of the Public Acts of 2023 (the "Act"), approved by the Tennessee General Assembly and signed into law by the Governor on March 9, 2023, limits the size of the membership of a metropolitan council to no more than 20 members; and

WHEREAS, the Metropolitan County Council has determined that the makeup of the membership of the governing body should be as consistent as practicable with the Metropolitan Charter, adopted by referendum in 1962 - which provides for 35 district council members and 5 at-large council members - by maintaining both district members and at-large members; and

WHEREAS, in conformance with the Act's mandate to reduce the size of the Metropolitan Council to no more than 20 members, the Metropolitan County Council has determined that the appropriate number of council members should be 17 district council members and 3 at-large council members; and

WHEREAS, the Act provides that the reduction to the size of a metropolitan council is to take effect as of the next general metropolitan election after the effective date of the Act; and

WHEREAS, the next general metropolitan election is scheduled for August 3, 2023; and

WHEREAS, the Act provides that within 30 days of the effective date of the Act, the metropolitan planning commission shall establish district boundaries using the most recent federal census to ensure that a reapportionment maintains substantially equal representation based on population and otherwise complies with the United States and Tennessee constitutions and state and federal law; and

WHEREAS, the Act further provides that upon approval of the council districts by the Planning Commission, the Metropolitan County Council as currently constituted shall approve the new council district boundaries (the "Redistricting Plan") by resolution on or before May 1, 2023; and

WHEREAS, in order to comply with the timelines set forth in the Act, it is necessary for the Planning Commission to submit the Redistricting Plan to the Metropolitan County Council with all deliberate speed, but in no event later than April 8, 2023, to comply with the Act, in order to permit sufficient time for candidates running for district and at-large seats under the Redistricting Plan to qualify with the Davidson County Election Commission; and

WHEREAS, the Metropolitan County Council is of the understanding that the Metropolitan Director of Law, on behalf of the Metropolitan Government of Nashville and Davidson County ("Metropolitan Government"), intends to file a complaint challenging the legality of the Act, the result of which could impact implementation of the Redistricting Plan; and

WHEREAS, the Metropolitan County Council is required to comply with applicable Tennessee laws, including the Act, unless and until a court rules that compliance is not necessary; and

WHEREAS, the Act specifically authorizes legislative action by resolution if necessary to effectuate the provisions of the Act.

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

Section 1. The Metropolitan County Council hereby directs the Metropolitan Planning Department to immediately prepare the Redistricting Plan consisting of 17 district councilmembers and 3 councilmembers at-large using the most recent federal census to ensure that a reapportionment maintains substantially equal representation based on population and otherwise complies with the United States and Tennessee constitutions and state and federal law.

Section 2. It is the intent of the Metropolitan County Council to act in a manner consistent with state law. In the event a court of competent jurisdiction issues an injunction or stay or otherwise rules that the Act is not legally binding on the Metropolitan Government, the existing membership consisting of 35 districts and 5 at-large positions shall be maintained per the Metropolitan Charter.

Section 3. The Metropolitan Planning Commission is requested to hold the meeting(s) necessary to approve the Redistricting Plan, including, but not limited to, special called meetings.

Section 4. The Metropolitan Vice Mayor is requested to call special meeting(s) of the Metropolitan County Council in accordance with Section 3.04 of the Metropolitan Charter to consider legislation necessary to conform with the provisions set forth in the Act so that the next general metropolitan election, scheduled for August 3, 2023, will include elections for metropolitan council members.

Section 5. 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, in direct response to the new state law requirements to reduce the size of the Metro Council, directs the Planning Department to prepare a councilmanic redistricting plan consisting of 17 districts and 3 at-large positions; directs the Planning Commission to hold the necessary meetings to approve the redistricting plan; and requests the Vice Mayor to call special meetings as necessary to effectuate the redistricting plan.

On March 9, 2023, the Tennessee General Assembly enacted House Bill No. 48/Senate Bill No. 87, which was then signed into law by Governor Bill Lee that same day and has now become Public Chapter 21. Public Chapter 21 (the "Act") provides that the membership of a metropolitan council must not exceed 20 voting members. The Act further provides broad authority for the legislative action necessary to alter the membership of the metropolitan council. The Act requires the reduction of the Metropolitan Council of the Metropolitan Government to no more than 20 members be effective as of the next metropolitan general election. The next metropolitan general election will occur on August 3, 2023. The Act authorizes the Metropolitan Council to take any legislative action necessary to effectuate the requirements of the Act by resolution receiving an affirmative majority vote of those present and voting.

The Act requires the Metropolitan Council to approve the new council district boundaries by resolution on or

before May 1, 2023. If the Metropolitan Council fails to take action by the qualifying date of the next metropolitan general election, which is May 18, 2023, the terms of the current members of the Metropolitan Council will be extended by one year and a special general metropolitan election will be held on the first Thursday in August 2024 to elect councilmembers for a term of three years, beginning September 1, 2024. After that election, future councilmembers would serve four year terms.

The process to reduce the Metropolitan Council provided for in the Act differs from the process in the Metropolitan Charter. Absent the Act, the Metropolitan Council would be required to pursue a charter amendment, as outlined in Article 19 of the Metropolitan Charter, in order to make changes to the makeup of the Metropolitan Council. The Charter process, which was amended by a referendum vote in the August 4, 2022 election, requires, at a minimum, review by the charter revision commission and approval by voters at a referendum election. As stated above, the Act allows the Council to act by resolution receiving an affirmative majority vote of those present and voting.

This resolution would direct the Planning Department to prepare a councilmanic redistricting plan consisting of 17 districts and 3 at-large positions using the most recent census to ensure that the reapportionment maintains substantially equal representation and complies with state and federal laws. The number of districts and at-large members were chosen in an effort to be as consistent with the Metropolitan Charter as practicable under the circumstances while maintaining substantial equal representation and compliance with state and federal laws. The resolution would direct the Planning Commission to hold the necessary meetings to approve the redistricting plan. The resolution would request the Vice Mayor to call special meetings as necessary to effectuate the redistricting plan so that the next metropolitan general election for council members can occur on August 3, 2023. The resolution further provides that if a court issues an injunction, stay, or otherwise rules that the Act is not legally binding, the existing membership shall be maintained.

Note that this resolution does not approve new council district boundaries. This resolution will provide guidance to the Planning Department, who will then prepare district boundaries in accordance with the number of districts and at-large positions determined by the Metropolitan Council. The Act requires the Planning Commission to establish new council boundaries by April 8, 2023. The Council would be required to approve the new council district boundaries in a separate action before May 1, 2023.

The following substitutes were submitted for consideration at the March 22 Council meeting:

- A substitute sponsored by Councilmembers Pulley, VanReece, and Johnston to direct the preparation of a redistricting plan consisting of 15 districts and 3 at-large positions.
- A substitute sponsored by Councilmember Bradford to direct the preparation of a redistricting plan consisting of 20 districts and no at-large positions.
- A substitute sponsored by Councilmember Hurt to direct the preparation of a redistricting plan consisting of 16 districts and 4 "super district" positions composed of 4 council districts and comprising approximately one-quarter of the population of the county.
- A substitute sponsored by Councilmember Toombs to direct the preparation of multiple redistricting plans consisting of 17 district councilmembers and 3 councilmembers at-large, 15 district council members and 5 at-large councilmembers; 20 district councilmembers and no at-large members; 16 district council members and 4 at-large councilmembers; and any other configuration that Planning Department staff deems appropriate.

- A substitute sponsored by Councilmember Gamble to direct the preparation of a redistricting plan consisting of 16 districts and 4 at-large positions.
- A substitute sponsored by Councilmember Toombs to direct the preparation of redistricting plans consisting of 17 districts and 3 at-large positions and 15 districts and 5 at-large positions.