



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2024-559, **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 19.02 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 19.02 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 the text of the proposed amendment; and

WHEREAS, Article 19, Section 19.02 of the Charter further requires a statement of the financial impact of the proposed amendment; and

WHEREAS, it is the desire of the Metropolitan Council by adopting this resolution to fulfill these 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 19.02 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 19.04 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 November 5, 2024.

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 three amendments to the Metropolitan Charter. These three amendments were submitted by the Council's Charter Revision Committee.

In order to qualify for the November 5, 2024, election, an amendment resolution must be filed with the election commission at least 75 days prior to the election. That means this resolution will need to be approved by the Council's August 20 meeting in order to meet this deadline.

Pursuant to Metro Charter Section 19.02, prior to adopting the resolution, the Council must submit the resolution to the Charter Revision Commission for review. The Commission, acting in an advisory capacity, then has 30 days to review the resolution and provide recommendations to the Council, including whether the proposed amendments satisfy the requirements in the Charter. The Commission met on July 12 to review the proposed amendments (recommendation details provided hereinbelow).

Each individual Charter 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.

Amendment No. 1 (Weiner) proposes to amend Section 8.102 of the Metropolitan Charter to provide for a succession plan in the event that the director of finance is absent, or the office is vacant. The proposed amendment provides that, the absence of the director of finance or in the event of a vacancy in his or her office, the metropolitan treasurer would perform the duties of the director of finance until the director returns or the vacancy is filled.

The metropolitan treasurer is a specific position in the Department of Finance provided for in Section 8.106 of the Metropolitan Charter. The metropolitan treasurer is appointed for an indefinite term by the mayor, subject to the civil service provisions of the Charter. The metropolitan treasurer must "have at least five (5) years' experience in which the supervision of fiscal affairs or treasury management shall have been his or her major responsibility."

After the filing of the Charter Amendment Resolution, an amendment was submitted at the request of the administration to expand the pool of positions for a potential interim appointment to include the budget officer and the chief accountant in addition to the metropolitan treasurer. All positions are currently provided for by Charter. Additionally, the amendment would require an interim finance director to be confirmed by the Metropolitan Council within 90 days of the mayoral appointment.

There is no significant fiscal impact for this amendment.

Amendment No. 2 (Weiner) proposes to amend Section 8.306 of the Metropolitan Charter to remove the requirement that Fire Department employees be U.S. citizens. As a result, Fire Department employees would be required to be authorized to work in the United States in accordance with federal law. This would allow for individuals who are lawful permanent residents and with certain other types of visas to be employed by the Fire Department.

There is no significant fiscal impact for this amendment.

Amendment No. 3 (Rutherford) proposes to amend Section 3.02 of the Metropolitan Charter to remove the requirement that councilmembers have attained the age of 25 at the beginning of their term in order to be eligible to serve as a councilmember. Instead, in order to be eligible to serve as a councilmember, a person would be required to be a qualified voter pursuant to Tennessee state law.

Tennessee Code Annotated § 2-2-102(a) provides that “A citizen of the United States eighteen (18) years of age or older who is a resident of this state is a qualified voter unless the citizen is disqualified under the provisions of this title or under a judgment of infamy pursuant to § 40-20-112.” Tennessee Code Annotated § 40-20-112 provides that individuals who have been convicted of a felony are disqualified from voting, among other actions. According to Tennessee case law, being a qualified voter does not require the candidate to be registered to vote.

Tennessee Code Annotated § 8-18-101 already provides qualifications that must be met in order for a person to hold office in Tennessee. This includes being 18 years of age or older, being a citizen of the United States and of Tennessee, and not having been convicted of an offense declared infamous under Tennessee Code Annotated § 40-20-112.

There is no significant fiscal impact for this amendment.

The Charter Revision Commission reviewed the proposed Charter Amendments at its July 12, 2024, meeting and made the following recommendations:

- The Commission unanimously recommended approval of Amendment No. 1 sponsored by Councilmember Weiner with a proposed amendment, and recommended disapproval of Amendment No. 1 without the amendment.
- The Commission unanimously recommended approval of Amendment No. 3 sponsored by Councilmember Rutherford.
- The Commission recommended disapproval of the proposed amendment from Councilmember Toombs, which would provide that no regular meeting of the Metropolitan Council may be held in the month of September.
- The Commission did not consider Amendment No. 2, with the understanding that this proposal would be withdrawn.

At its July 12 meeting, the Charter Revision Commission also recommended amendments to revise the Charter Amendments to be in a format consistent with the requirements of Charter Section 19.02(a). Amendments will be proposed consistent with the Commission’s recommendations.