



METRO COUNCIL OFFICE

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Mike Jameson, Director and Special Counsel
Mike Curl, Finance Manager
Metropolitan Council Office

COUNCIL MEETING DATE: **June 7, 2016**

RE: **Analysis Report**

Unaudited Fund Balances as of 6/1/16:

4% Reserve Fund	\$23,750,196*
Metro Self Insured Liability Claims	\$3,711,830
Judgments & Losses	\$321,603
Schools Self Insured Liability Claims	\$3,219,501
Self-Insured Property Loss Aggregate	\$7,036,554
Employee Blanket Bond Claims	\$667,799
Police Professional Liability Claims	\$2,545,284
Death Benefit	\$1,184,833

*Assumes unrealized estimated revenues in Fiscal Year 2016 of \$2,343,571

– RESOLUTIONS –

RESOLUTION NO. RS2016-245 (PRIDEMORE) – This resolution would issue up to \$475 million in GSD general obligation bonds to provide funding for various projects contained in the Mayor’s 2016-2017 Capital Spending Plan, submitted as Exhibit A to the resolution. This is the first step in the process toward the ultimate sale of the bonds by public bid to provide necessary financing for the listed projects.

Approval of this initial resolution would allow the Metropolitan Government to use its commercial paper program to provide short term financing to commence construction prior to the sale of the long term bonds. Some of the capital projects to be financed include:

- \$117 million for General Services projects that include a new Police headquarters, Sheriff’s administrative office, Criminal Justice Center, Fairgrounds improvements, and other projects
- \$10 million for the new Donelson Library and maintenance
- \$20 million for MTA for grant matches, bus replacements, and a new fare system
- \$5 million to extend Water and Sewer Services’ flood-related home buyout program
- \$100 million for Public Works projects, including paving, sidewalks, traffic signalization, roads, and bridges
- \$150 million for Metro school projects, including \$105 million for capital projects at specific schools with the remaining \$45 million for district-wide projects
- \$38 million for Parks projects, including Centennial Park, Smith Springs Community Center, soccer fields, greenways, land acquisition, and maintenance
- \$10 million for miscellaneous ITS system upgrades and improvements
- \$5 million for miscellaneous equipment and upgrades for General Hospital
- \$7 million for MDHA infrastructure improvements around housing facilities

A more detailed list of capital projects to be funded through the spending plan, including the estimated cost for the projects, is attached to this analysis.

This resolution should be deferred until after the Capital Improvements Budget (CIB) is approved per Bill No. BL2016-252.

RESOLUTION NO. RS2016-246 (PRIDEMORE) – Metro entered into a contract with Presidio Networked Solutions, Inc. to provide network and security equipment, software, management tools, and support services on February 14, 2011. The Metro Code limits contracts of this type to terms of no more than sixty (60) months.

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RESOLUTION NO. RS2016-246, continued

This resolution would give the Purchasing Agent and Information Technology Services the authority to extend this contract for a period of up to two (2) additional years, through calendar year 2018.

This same contract extension was originally filed as Bill No. BL2016-242, currently under consideration on second reading. It has been determined that this Resolution will be withdrawn.

RESOLUTION NO. RS2016-247 (PRIDEMORE & GILMORE) – This resolution would approve an annual grant in the amount of \$450,000 from the Tennessee Department of Mental Health and Substance Abuse Services to the State Trial Courts to provide the Tennessee Certified Recovery Court Program (TCRCP), formerly called the Tennessee Certified Drug Court Program, as an alternative to adjudication or incarceration.

The Drug Court is a diversionary program that provides supervision and treatment for non-violent drug offenders. The grant funds are used primarily to cover the salaries and benefits of six full-time Drug Court employees. The term of the grant is from July 1, 2016 through June 30, 2017.

RESOLUTION NO. RS2016-248 (PRIDEMORE & GILMORE) – This resolution would authorize the Mayor to execute a mutual commitment letter with the 100 Resilient Cities Network for participation in the 100 Resilient Cities Challenge. The purpose would be to help cities around the world build resilience to economic, social, and physical challenges that are increasingly part of the 21st Century.

This agreement will also accept funding from the Rockefeller Foundation for a “Chief Resilience Officer” (CRO) within the Office of the Mayor for a period of 2-3 years. The CRO would be responsible for bringing stakeholders from the public and private sectors and accessing all available resilience building tools and experts to develop a resilience strategy.

RESOLUTION NO. RS2016-249 (PRIDEMORE) – This resolution would approve an application for a grant in the amount of \$100,000 from the Tennessee Office of Criminal Justice Programs for a Family Justice Center Advocate / Navigator Grant to the Metropolitan Office of

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RESOLUTION NO. RS2016-249, continued

Family Safety to pay the personnel costs for a person to act as an advocate / navigator to assist clients as they enter the Family Justice Center.

The term of the grant would be from July 1, 2016 through June 30, 2018, with \$50,000 of the grant proceeds being awarded each fiscal year. There would be a required "in kind" local match of \$25,000 each year for donated office space if the grant is awarded.

RESOLUTION NO. RS2016-250 (PRIDEMORE) – This resolution would approve the application for a grant in the amount of \$849,000 from the U.S. Department of Homeland Security and the Office of Emergency Management (OEM) to mitigate an equipment shortfall within the Port of Nashville by adding one National Incident Management System (NIMS) response package with Radiological / Nuclear Detection (RND)

\$679,200 of this amount would be used to pay equipment costs. \$56,600 would pay the maintenance and acquisition costs. The remaining \$113,200 would be used for indirect costs. No local cash match would be required.

RESOLUTION NO. RS2016-251 (PRIDEMORE) – This resolution would approve a lease with Central States Bus Sales, Inc. on behalf of the Davidson County Sheriff's Office (DCSO) for the lease of buses for the transportation of inmates in DCSO custody. The Metro Code of Laws requires all leases of equipment with an annual expenditure of more than five thousand dollars (\$5,000) to be approved by the Council by resolution.

The proposed lease would be for two (2) new buses for a period of three (3) years, with the option to purchase the buses at the end of the contract life. The lease price would be \$4,800 per month for each bus for the 36-month term of the lease. In addition, there would be a single charge of \$10,000 per bus for the option to purchase the bus at the end of the contract. The total cost would be \$365,600. The contract abstract from the Finance Department shows an estimated total value of the contract to be \$400,000.

Central States Bus Sales, Inc. was the only company to respond to the RFP for this lease contract. This sole-source contract has been approved by the Purchasing Agent. If this lease contract is approved, Metro would have the authority to terminate it at any time upon thirty (30) days written notice to the contractor.

RESOLUTION NO. RS2016-252 (PRIDEMORE) – This resolution would approve an application for the continuation of a grant in the amount of \$183,930 from the U.S. Department of Homeland Security to the Metropolitan Nashville Fire Department to purchase forensic investigation equipment, surveillance cameras, night vision cameras, and training for arson investigators. The training will allow the arson investigators to complete the certification requirements established by the International Association of Arson Investigators. There would be a required local match of \$9,196 if the grant is awarded

RESOLUTION NO. RS2016-253 (PRIEMORE & MURPHY) – This resolution would approve a grant in the amount of \$25,000 from the Nashville Chamber Public Benefit Foundation to the Nashville Career Advancement Center (NCAC) to expand paid work experiences for MNPS high school students. No local cash match would be required. The NCAC has a paid summer internship program for selected high school students. The students apply for the internship positions and are placed by NCAC. These grant funds will be used to support this internship program. The term of the grant is from May 1, 2015 to June 30, 2017.

RESOLUTION NO. RS2016-254 (PRIDEMORE & MURPHY) – This resolution would approve a Workforce Innovation and Opportunity Act Grant in the amount of \$41,919 from the Tennessee Department of Labor and Workforce Development to the Nashville Career Advancement Center (NCAC) to provide transitional services to eligible adults, youth, and dislocated workers. No local cash match would be required. The federal pass-through grant would provide operating funding for the NCAC.

The entire grant proceeds of \$41,919 would be used for "Rapid Response" program funding. The term of the grant is from April 1, 2016 through June 30, 2016.

RESOLUTION NO. RS2016-255 (PRIDEMORE) – This resolution would approve a grant in the amount of \$1,888,445 with no required local cash match from the Tennessee Department of Labor and Workforce Development to the Nashville Career Advancement Center (NCAC) to establish programs and services for the Youth Program.

This federal pass-through grant would provide \$1,699,601 in program funds and \$188,844 in administrative funds. The term of the grant is from April 1, 2016 through June 30, 2018.

RESOLUTION NO. RS2016-256 (PRIDEMORE & GILMORE) – Resolution No. RS2015-1625 approved a grant in the amount of \$37,000 from the Greater Nashville Regional Council (GNRC) to the Metropolitan Social Services Commission for home meal delivery services to eligible senior citizens. The original term of the grant was from July 1, 2015 through June 30, 2016.

The resolution now under consideration would add three amendments to this grant:

1. The first amendment would change the rate for meals listed in Section C.3, Subsection b. However, there would be no change in the grant total.
2. The second amendment would change the maximum grant award shown in Section C.1 from \$37,000 to \$80,000.
3. The third amendment would change a typographical error in Section C.1 to reflect the correct start date of July 1, 2015.

RESOLUTION NO. RS2016-257 (PRIDEMORE & GILMORE) – This resolution would approve the fourth amendment to a grant from the Tennessee Department of Human Services to the Davidson County Juvenile Court to establish and enforce federal and state mandated child support guidelines concerning children born out of wedlock. This grant is used to fund part of the Juvenile Court referee salaries for the purpose of hearing child support cases and paternity hearings on an expedited basis.

This amendment would increase the amount of the grant by \$987,210 for a new grant total of \$3,869,254.10. There is also a required local cash match of \$508,563. In addition, this amendment would extend the term of the grant by one year, through June 30, 2017.

RESOLUTION NO. RS2016-258 (PRIDEMORE & GILMORE) – This resolution would approve the first amendment to a grant in the amount of \$128,809 from the U.S. Environmental Protection Agency (EPA) to the Metropolitan Board of Health for the ongoing collection of data on the ambient air concentrations for fine particulate matter. The Metro Health Department is responsible for air quality monitoring within Nashville and Davidson County on behalf of the Tennessee Air Pollution Control Board and the EPA.

This amendment would increase the amount of the grant by \$130,000 for a new total of \$258,809. There would still be no required local cash match. The end date of the grant would also be extended through March 31, 2018.

RESOLUTION NO. RS2016-259 (ALLEN, SLEDGE, & OTHERS) – This resolution would approve an application for the Four-Forty Greenway TIGER VIII Grant from the U.S. Department of Transportation in the amount of \$30,459,957 to construct the Four-Forty Greenway from Melrose / Battlemont Park to Boyd Park.

A local cash match of \$7,614,989 would be required. "Greenways for Nashville" is currently fundraising to provide an anticipated \$1 million for Metro to use as part of this local match. Annual maintenance costs for this 6.3 mile trail are estimated to be \$54,000, which would be paid from the Parks Department's Greenways budget.

RESOLUTION NO. RS2016-260 (PRIDEMORE & HENDERSON) – This resolution would approve a grant in the amount of \$750,000 from the Tennessee Department of Environment and Conservation (TDEC) to the Metropolitan Parks and Recreation Department to develop a Celebrate Southeast Events Field. This would include a covered pavilion, open-air plaza, and lawn / multi-use recreation field.

A local cash match of \$1,281,943.21 would be required. This would be paid from the Parks Department's capital funds. The park would be absorbed into the park system in respect to maintenance needs.

RESOLUTION NO. RS2016-261 (SYRACUSE, PRIDEMORE, & ELROD) – This resolution would approve a licensing agreement with the Nashville and Eastern Railroad Corporation for the purpose of constructing and maintaining a 60-inch water main under the railroad's right-of-way at milepost 7.74 in Donelson. This encroachment agreement will last until the year 2053.

This agreement provides for a one-time license fee of \$500 to be paid to the railroad. In addition, Metro agrees to require its contractors and subcontractors to observe and conform to the conditions and requirements specified in the license agreement. Metro will be responsible for reimbursing the railroad for any additional expenses related to protecting its tracks and managing traffic while the water line is being installed.

RESOLUTION NO. RS2016-262 (O'CONNELL, ALLEN, & ELROD) – This resolution would authorize R.C. Matthews Contractor to construct, install, and maintain an aerial encroachment at 315 Union Street, site of the Hotel Indigo. The canopy dimensions are 37', 0" in length, 9', 4" deep (measured out from the building), and 11', 0" above the sidewalk.

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RESOLUTION NO. RS2016-262, continued

The "Hotel Indigo" marquee letters are 16', 0" in length with an average height of 1', 1". The average height of the marquee letters is 1',1". The height above the sidewalk is 12', 0".

The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign, and it is required to post a certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This proposal was approved by the Planning Commission on May 19, 2016.

RESOLUTION NO. RS2016-263 (O'CONNELL, ALLEN, & ELROD) – This resolution would authorize CT Nashville, LLC, dba Crazy Town, to construct, install, and maintain an aerial encroachment at 308 Broadway. The sign per this encroachment will measure 72" x 108.5" x 16". The sign will extend 8.75" from the building. The height above the ground would be over 14'.

The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign, and it is required to post a certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This proposal was approved by the Planning Commission on May 3, 2016.

RESOLUTION NO. RS2016-264 (PRIDEMORE) – This resolution authorizes the Department of Law to settle the Metropolitan Government's property damage claim against Hardaway Construction Corp. and 3Form LLC for the amount of \$75,000. Hardaway and 3Form built certain structures, namely the Cumberland Park stage structure, for Metro in Cumberland Park at 592 South First Street. They have agreed to pay \$75,000 to pay for the necessary replacement to the roof system of that structure.

The Department of Law has determined that the proposed settlement amount is fair and reasonable.

RESOLUTION NO. RS2016-265 (PRIDEMORE) – This resolution would authorize the Department of Law to settle the personal injury claim of Ms. Brazella Northern against the Metropolitan Government for the amount of \$18,000. Ms. Northern was traveling westbound in

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RESOLUTION NO. RS2016-265, continued

the right lane on East Trinity Lane on September 11, 2015. A Public Works employee was stopped at the stop sign on Dr. Richard G. Adams Drive. He then attempted a right turn onto East Trinity Lane into the path of Ms. Northern's vehicle, failing to yield and causing the collision.

A prior settlement of \$2,250 was made for the total loss of Ms. Northern's vehicle. In addition to this property damage, she sought treatment for soft-tissue injuries. She was also referred for physical therapy. She incurred medical expenses in the amount of \$7,449.59.

The Department of Law recommends settling this claim for \$18,000 to be paid from the Self-Insured Liability Fund. This would consist of \$7,449.59 to reimburse her for her medical expenses and \$10,550.41 for pain and suffering.

RESOLUTION NO. RS2016-266 (PRIDEMORE) – This resolution would authorize the Department of Law to settle the personal injury claim of Ms. Maria Patino against the Metropolitan Government for the amount of \$11,000. Ms. Patino was traveling on Old Hickory Boulevard in the far right lane with a Metropolitan Water Services vehicle directly behind her on September 18, 2015. Ms. Patino stopped at an intersection when the traffic light turned yellow. The Water Services' employee driving behind her was following too closely and unable to stop, striking Ms. Patino's car in the rear.

A property damage settlement of \$3,900 was made for the total loss of Ms. Patino's vehicle. In addition to this property damage, she sought treatment for soft-tissue injuries as well as cervical, thoracic, and lumbar pain. She was prescribed therapy and medications. She incurred medical expenses in the amount of \$8,845.

The Department of Law recommends settling this claim for \$11,000 to be paid from the Self-Insured Liability Fund. This would consist of \$8,845 to reimburse her for her medical expenses and \$2,155 for pain and suffering.

RESOLUTION NO. RS2016-267 (SHULMAN) – This resolution approves the election of certain Notaries Public in accordance with state law.

– BILLS ON SECOND READING –

BILL NO. BL2016-226 (A. DAVIS & ELROD) – This bill would rename an unimproved portion of Rosecliff Drive from Rosebank Avenue westward to its terminus as “Colbert Drive”. The name change has been requested by the Department of Public Works.

This proposed name change has been approved by the Planning Commission and the Emergency Communications District Board.

BILL NO. BL2016-232 (PRIDEMORE) – This bill is the operating budget of the Metropolitan Government for the Fiscal Year 2017. The budget filed by the Mayor provides for the following proposed funding:

• General Services District General Fund	\$909,961,700
• General Services District Schools Fund	\$843,299,700
• General Services District General Debt Service Fund	\$109,180,600
• General Services District Schools Debt Service Fund	\$84,403,400
TOTAL GENERAL SERVICES DISTRICT BUDGET	\$1,946,845,400
• Urban Services District General Fund	\$123,989,800
• Urban Services District General Debt Service Fund	\$16,485,000
TOTAL URBAN SERVICES DISTRICT BUDGET	\$140,474,800
TOTAL OPERATING BUDGET	\$2,087,320,200

The substitute budget adopted by the Council for the current fiscal year is \$1,968,285,900. The mayor’s proposed budget represents an overall increase of \$119,034,300 (6.0%).

The budget appropriates a total of \$71,947,200 from the unreserved fund balances of the primary budgetary funds. These amounts are as follows:

• General Fund of the General Services District	\$43,372,400
• Schools Fund of the General Services District	\$16,000,000
• Schools Debt Service Fund	\$0
• Debt Service – General Services District	\$5,000,000
• General Fund of the Urban Services District	\$7,574,800
• Debt Service – Urban Services District	\$0

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BILL NO. BL2016-232, continued

Metro's established policy is to maintain a fund balance equal to or greater than 5% for each of the six budgetary funds: GSD General Fund, USD General Fund, General Purpose School Fund, and the three primary debt service funds. The mayor's proposed budget is projected to result in the following fund balance percentages by June 30, 2017:

• General Services District General Fund	7.4%
• General Services District Debt Service Fund	6.6%
• Schools Fund of the General Services District	7.6%
• Schools Debt Service Fund	6.1%
• Urban Services District General Fund	5.4%
• Urban Services District Debt Service Fund	18.6%

The property tax rate totals will remain unchanged for the Fiscal Year 2017. The rate for the GSD is \$3.924. The rate for the USD is \$0.592. This gives a combined rate of \$4.516. Even with the rates remaining constant, growth is expected to generate a combined increase of \$33.2 million in property taxes over the budgeted FY16 revenue. Local option sales tax revenues are projected to increase by \$27.3 million over the current budget. Expected increases in grants and other contributions account for an additional \$27.6 million. All other revenue is expected to increase by a net of \$32.9 million.

Public Investment Plans (PIPs) are new for Fiscal Year 2017. These are non-traditional plans submitted by groups of departments working cooperatively to find opportunities for improvements. For this initial year, 34 plans were submitted with operating funding requests of \$16 million and capital funding requests of \$35 million. From these requests, 14 were selected for either total or partial funding this year. A list of the approved projects is attached to this analysis.

Initial funding for these plans includes approximately \$3.5 million from the departmental operations budget and capital spending. The funding for three of the plans is still to be determined. An additional \$1 million is included in the budget of the Finance Department to act as an "Innovation Investment Fund". This would be used to pay for cost overruns and new programs during the fiscal year.

The proposed budget provides a \$33.3 million increase (+4.1%) for Metro Schools, for a total operating budget of \$843,299,700. As noted above, \$16,000,000 is being appropriated from their undesignated fund balance.

The proposed budget includes an increase of \$28.5 million for pay plan improvements. All employees will receive a 3.1% cost-of-living raise on July 1, 2016. Funding is included for increment increases for all eligible employees on their scheduled increment dates. The proposed budget also includes funding

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BILL NO. BL2016-232, continued

for 3% open-range pay increases, also on July 1, 2016. The department heads have the discretion to determine the actual raises to be given to each open-range employee. The purpose of this additional open-range funding is to provide the equivalent of a step increment for open-range employees who are otherwise ineligible for increments.

The Farmers' Market will receive \$1 million from the proceeds for the sale of the north portion of their property to the state. Municipal Auditorium will receive a subsidy of \$400,000 from the General Fund. The State Fair has a balanced budget and does not require a subsidy this year.

The Hospital Authority would receive a subsidy of \$35 million in the proposed budget, which is the same as the initial subsidy for the current fiscal year. In February, a supplemental appropriation of \$10 million was required for the Authority. On May 27, 2016, the Mayor announced an independent third-party assessment of the financial and governance structure of General Hospital.

\$1,855,000 of the budget will pay for increases for Metro Transit Authority (MTA). Their new total subsidy will be \$42,013,600. The increase will be used to fund Nolensville Road bus rapid transit, Thompson Lane feeder service, maintenance, and planning for first and last mile service.

The Barnes Fund for Affordable Housing will receive a total allocation of \$16 million. This consists of \$10 million of new funding from the General Fund, \$5 million in estimated Convention Center proceeds increases, and a \$1 million carryover from the current year.

Other increases in the proposed budget for include the following:

• Police Department	\$2,000,000
• Parks Department	\$1,600,000
• Fire Department	\$1,500,000
• Public Works Department	\$1,200,000
• Public Library Department	\$975,300
• Health Department	\$780,100
• Codes Department	\$492,100

The proposed budget includes the same mechanism for appropriating grants to non-profit organizations as used in previous budgets through the Community Enhancement Fund. The proposed Community Enhancement Fund budget of \$2,150,000 for Fiscal Year 2017, which is the same as in 2015 and 2016, would award funds to agencies that best meet the priorities of the city from four categories:

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BILL NO. BL2016-232, continued

- Domestic violence agencies \$675,000
- Education and afterschool care \$675,000
- Miscellaneous community agencies \$450,000
- Literacy \$350,000

In addition to a small number of direct contributions to non-profit agencies that have routinely been made in previous budgets, the FY17 budget includes five new direct contributions:

- Summer Youth Employment Program \$1,000,000
- Thistle Farms \$300,000
- Public Education Foundation \$250,000
- Community Foundation (Digital Inclusion Project) \$100,000
- Plant the Seed Garden Program \$50,000

There are several related pieces of legislation that will need to be approved along with this budget ordinance. As always, pay plan resolutions for the GSD and USD will need to be approved. In addition, the agenda includes bills that would establish the Emergency Communications Center as a separate department with its own department head, new fees for Public Works that would generate approximately \$2,370,400 in new annual revenues, and new fees for Planning that would generate approximately \$866,500 in new annual revenues.

Per Rule 15 of the Metro Council Rules of Procedure, the budget ordinance is amendable on third reading.

BILL NO. BL2016-233 (PRIDEMORE) – This bill adopts the property tax levy for Fiscal Year 2016-2017. The Metropolitan Charter provides in Section 6.07 that the Council’s next order of business upon adopting the annual operating budget is to adopt a tax levy that fully funds that budget. The property tax proposed by the Mayor is the same as the current tax rate, which is \$3.924 per \$100 of assessed value in the General Services District (GSD) and an additional \$0.592 per \$100 of assessed value in the Urban Services District (USD), for a total tax rate of \$4.516 in the USD.

BILL NO. BL2016-235 (PRIDEMORE) – As part of the revenues proposed in the FY17 operating budget, several fees charged by the Public Works Department would be increased. These fees have not been increased during the last 12 to 27 years and have therefore been deemed insufficient to cover the actual costs of providing these services currently.

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BILL NO. RS2016-235, continued

The expected additional revenues to be generated by these revised fees are as follows:

- Meter Bag Permit \$61,000
- Temporary Street Closure Permit \$1,050,000
- Excavation Permit \$365,000
- Banner Permit \$11,000
- Film Permit \$25,800
- Parade Permit \$150,300
- Special Event Permit \$87,000

BILL NO. BL2016-236 (ELROD) – Chapter 6.26 if the Metro Code of Laws governs franchises for fiber optic communications services within Davidson County. Section 6.26.060.A requires that franchisees who perform work providing these services must follow “all laws, rules, and regulations” according to the provisions of Chapter 13.20 of the Metro Code, with the exception of Sections 13.20.020 and 13.20.030.

Section 13.20.020 specifies the permissions and notices that are required before performing any excavation or construction affecting the public right-of-way. Section 13.20.030 specifies the requirements for permits to be issued to perform this type of work.

The ordinance under consideration would remove those exemptions. The effect would be to require fiber optic communications companies to follow the same requirements for obtaining permissions and permits as companies performing other types of excavation and construction.

Section 13.20.050 of the Metro Code specifies the details of the bonds and insurance that are currently required for all types of excavation and construction, including for fiber optic communications. Because these franchisees already provide this type of bond and insurance security to Metro under the provisions of this section, it would be duplicative to require them to provide it again. Therefore, the final effect of this ordinance would be to remove this duplicate requirement.

BILL NO. BL2016-237 (PRIDEMORE, MURPHY, & PARDUE) – The Emergency Communications Center was created to consolidate the emergency call system that was in effect prior to August, 2002. Before that time, the function of receiving emergency calls was

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BILL NO. BL2016-237, continued

disposition divided between the Police Department, Fire Department, and the Office of Emergency Management.

An audit published April 20, 2001 concluded that the operation of the emergency call system needed comprehensive improvement. A Memorandum of Understanding (MOU) was entered into on August 28, 2002 by the Mayor, Police Department, Fire Department, Office of Emergency Management, General Services, Finance Department, and the Personnel Department. This MOU created a consolidated Emergency Communications Center (ECC). This was to be operated under the management of the Emergency Communications Board, consisting of the Chief of Police, Fire Chief, and the Director of the Office of Emergency Management.

In an effort to increase efficiency, this ordinance would authorize establishment of the ECC as its own stand-alone department with a single person directing its operations. Chapter 2.30 would be added to the Metro Code of Laws to establish this as the "Department of Emergency Communications".

Any current employee of the ECC who was initially assigned there while serving as a sworn member of the Police or Fire Departments, and who is a current member of their pension system, would retain employment status with their assigning department. If one of these employees was subsequently promoted to a higher classification within the Department of Emergency Communications, all remaining connection with the Police or Fire Department would be severed. All other current ECC employees would be transferred to the new Department of Emergency Communications pursuant to Civil Service Rules.

BILL NO. BL2016-238 (WITHERS) – The Metro Code currently places restrictions on the type and number of bathrooms that must be provided in various types of buildings and facilities. This bill would add exceptions to the current requirements for having separate bathrooms specifically for each sex.

Section 6.06.040 for after-hours establishments and Section 6.12.030 for dancehalls would both replace the current requirements to have "separate and sufficient" toilet facilities "for each sex" by striking that requirement. These establishments would still be required to have sufficient facilities in a safe and proper place, but separate facilities would no longer be required. (In the event BL2016-221 is passed on third reading and enacted, thereby eliminating Metro Code Chapter 6.12 regulating dances and dance halls, this ordinance would likewise be amended to delete reference to Section 6.12.030.)

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BILL NO. BL2016-238, continued

Section 16.08.012 would also add a specific exception to Section 2902.2 of the 2012 Edition on the International Building code. This new exception would eliminate the requirement to have separate facilities as long as there are two (2) or more facilities, each consisting of a single water closet and having an interior door lock.

Finally, Section 16.08.012 would add the requirement to have legible and readily visible signs identifying facilities for each sex, unisex, family, or assisted-use toilet facility.

There has been much press coverage recently about legislation in other states concerning the rights of persons to use (or be restricted from using) toilet facilities matching the gender with which they identify, even if different from that shown on their birth certificate. It should be pointed out that the bill under consideration does not address that topic. It simply eases the current restrictions concerning the number of facilities and signage that must be provided for each sex.

BILL NO. BL2016-239 (HURT) – This bill would change Chapter 12.44 of the Metro Code to enable drivers who are 65 years old or older to purchase a sticker for \$50 from the Davidson County Clerk. This sticker would give those drivers the right to park for free at any meter or within any parking facility within the Central Business Improvement District.

This program would become effective on January 1, 2017 and, pursuant to a sunset provision, would expire on January 1, 2018 unless extended by resolution of the Council. It is anticipated that the decision to extend the program would depend on the number of vehicle owner-operators eligible for this free parking, the number of stickers issued during calendar 2017, the measurable impact on the quality of life for elderly individuals from this program, and the cost of enforcement and administration. This ordinance has been submitted to the Traffic & Parking Commission for review.

BILL NO. BL2016-240 (ELROD) – Chapter 13.20 of the Metro Code currently requires anyone who excavates or obstructs the right-of-way for construction or other purposes to obtain a permit from the Department of Public Works.

This bill would add a new requirement within Subsection C of Section 11.20.30 to require the Director of Public Works to adopt rules and standards for “safe accommodation for cyclists and pedestrians, including accessibility for disabled persons” before such permits can be issued. If a permit has a duration exceeding twenty (20) days, the applicant would be required to submit a temporary traffic control plan to the Director.

BILL NO. BL2016-241 (PRIDEMORE, MURPHY, & PARDUE) – This bill creates 36 new positions and/or titles throughout various Metro departments pursuant to a lengthy study of pay and classifications by the Metropolitan Department of Human Resources. These new positions replace existing positions, so the financial impact should be insignificant; and in general, new functions are not being created by these positions.

There are a small number of these new positions that represent a new level in a job family, so there would be a small cost if (for example) a Beer Permit Inspector 2 gets promoted to Beer Permit Inspector 3.

Some of those costs are reflected already in the estimate of costs for the pay plans being considered as part of the FY17 budget in separate resolutions. Human Resources estimates the total costs of these new positions that are not already reflected in the estimated pay plan costs to be \$50,000 or less.

BILL NO. BL2016-242 (PRIDEMORE) –. See analysis of RS2016-246 at page 2. This bill is to be withdrawn.

BILL NO. BL2016-243 (PRIDEMORE & PARDUE) – This bill would grant Lipscomb University access to the 800-MHz emergency radio dispatch and response system. The Metropolitan Government and NES jointly own and operate the emergency radio dispatch and radio response system utilizing 800-MHz radio frequencies licensed by the Federal Communications Commission (FCC). This system was jointly funded by Metro and NES, with Metro General Services now maintaining the system and NES contributing funds to help pay for its maintenance.

This agreement will allow Lipscomb to interface directly with Metro’s system. Lipscomb will not be required to pay any user fee or charge of any kind. They will be responsible for the purchase of any new subscriber units for its own use. They will also pay for any maintenance that Metro performs of Lipscomb’s radio equipment and vehicles at Lipscomb’s request.

The term of this agreement begins upon approval by the Council and extends through June 30, 2025, but may be terminated by either party with 90 days written notice. The Council has approved several similar agreements with several other entities.

BILL NO. BL2016-244 (ALLEN & HENDERSON) – This bill would authorize Metro to enter into a Memorandum of Understanding (MOU) with the Trust for Public Land (TPL) to implement the Nashville Climate-Smart Cities Program to assist Nashville with the development of climate-smart green infrastructure.

This MOU would be used to develop a Decision Support Tool for Nashville to integrate spatial data from its many significant green infrastructure planning efforts, such as Nashville Next, the Nashville Green Infrastructure Plan, completed greenway plans, and the emerging Parks Master Plan.

The Trust for Public Land would pay all direct costs for development of the tool. The term of the MOU would be from January 1, 2016 through March 31, 2017, unless otherwise terminated, amended, or extended as agreed upon by the parties.

BILL NO. BL2016-245 (O'CONNELL, ALLEN, & ELROD) – This bill would authorize the Viridian Condominium Association to install, construct, and maintain underground encroachments in the right-of-way at 415 Church Street. These encroachments would consist of four planters next to the building.

Viridian has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the encroachments, and would be required to provide a \$2 million certificate of public liability insurance naming the Metropolitan Government as an insured party. This proposal was approved by the Planning Commission on March 31, 2016.

BILL NO. BL2016-246 (HENDERSON, ALLEN, & ELROD) – This bill would abandon easement rights that were previously retained by Council Bill No. BL2015-1069 within a portion of the former right-of-way of the old Forsythe Place for property located at 914 Lynnwood Boulevard. These are no longer needed by Metro for any purpose.

This ordinance was approved by the Planning Commission on April 11, 2016. Future amendments to this ordinance may be approved by resolution.

BILL NO. BL2016-247 (O'CONNELL, ELROD, & ALLEN) – This bill would abandon easement rights that were previously retained by Council Bill No. BL2012-255 for property located at 410 5th Avenue South. These are no longer needed by Metro for any purpose.

This ordinance was approved by the Planning Commission on April 12, 2016. Future amendments to this ordinance may be approved by resolution.

BILL NO. BL2016-248 (SYRACUSE, ELROD, & ALLEN) – This bill authorizes the Metro Department of Water and Sewer Services to negotiate and accept permanent and temporary easements for three properties located at 2140, 2141, and 2144 Brookview Drive for Project No. 16-SWC-171.

This was approved by the Planning Commission on April 12, 2016. Future amendments to this bill may be approved by resolution.

BILL NO. BL2016-249 (RHOTEN, SYRACUSE, & OTHERS) – This bill authorizes the acquisition of permanent easements and temporary construction easements by negotiation, condemnation, or fee simple take for the Cumberland City Low 60-inch Transmission Water Main Improvement Project for five properties located at various addresses.

The estimated acquisition cost for the easements necessary for this project is \$10,000, to be paid from the Capital Projects Fund of Water and Sewer Services. This was approved by the Planning Commission on April 7, 2016.

BILL NO. BL2016-251 (ELROD & ALLEN) – This bill would authorize Nashcam, L.P. to install, construct, and maintain underground encroachments in the right-of-way of the entrance of One-City, located at 3001 Charlotte Avenue. These encroachments will consist of five pedestrian streetlight poles, street trees, landscape lighting, and landscape irrigation.

Nashcam, L.P. has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the encroachments, and would be required to provide a \$2 million certificate of public liability insurance naming the Metropolitan Government as an insured party. This proposal was approved by the Planning Commission on January 7, 2016.

BILL NO. BL2016-252 (PRIDEMORE & ALLEN) – This ordinance adopts the Capital Improvements Budget (CIB) for 2016-2017 through 2021-2022. The CIB is a planning document and does not in itself appropriate any money. All capital projects must be provided for in this document before a capital improvement can be approved by the Council, except in the case of a public emergency.

This budget is amendable on third and final reading. The Charter requires the Council to adopt the CIB not later than June 15 of each year. The Council will hold an adjourned Council meeting on June 14, 2016 in order to consider the CIB on third reading prior to the June 15 Charter

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BILL NO. BL2016-252, continued

disposition deadline. Rule 11 of the Metro Council Rules of Procedure requires proposed amendments to be submitted to the Council office on or before June 8, 2016.

Once adopted, any future amendments to the CIB would need to be approved by the Planning Commission, be recommended by the Mayor, and then be adopted by resolution of the Council receiving twenty-seven (27) affirmative votes.

BILL NO. BL2016-253 (O'CONNELL) – This bill authorizes the installation, construction, and maintenance of underground and aerial encroachments in the right-of-way located at the southeast corner of Korean Veterans Boulevard and 5th Avenue South by NP 5th, LLC.

These encroachments would include 6 tree grates, 3 light poles, 2 bike racks, sidewalk seating, transformer vault access, a total of 11 canopies of various dimensions, a total of 14 accent light fixtures, and 2 property identification flag signs.

NP 5th, LLC has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the encroachments, and is required to provide a \$2 million certificate of public liability insurance naming the Metropolitan Government as an insured party.

This was approved by the Planning Commission on May 5, 2016.

BILL NO. BL2016-254 (O'CONNELL) – This bill authorizes the Director of Public Property Administration to sell a portion of the right-of-way of Korean Veterans Boulevard and 7th Avenue South. This portion of the right-of-way was acquired by the Tennessee Department of Transportation (TDOT) in the name of Metro, using 80% state funds and 20% local funds.

Mainland KVB, LLC has now requested to purchase this property. The request has been evaluated by the Department of Transportation's Excess Land Committee which concluded that the property is no longer needed by the state or Metro for any purpose.

All parties agree that the fair market value is \$105,000. Since Metro initially paid 20% of the original costs to obtain this property, Metro is entitled to receive the same percentage of the proceeds from this quitclaim deed, amounting to \$21,000.

This sale was approved by the Planning Commission at their meeting on May 17, 2016.

– BILLS ON THIRD READING –

BILL NO. BL2016-188 (ELROD) – This bill would make five changes to Chapter 2.48 of the Metropolitan Code of Laws by adding a new Section 2.483.040 establishing new reporting requirements by the Department of Public Works. The ordinance is modeled after state legislation for managing Tennessee Department of Transportation projects.

Paragraph A would require the Director of Public Works to be responsible for the day-to-day management of the department and to keep a detailed record of all business of the department.

Paragraph B would require a new Projects Report describing each capital project of Public Works. This would include construction and repair of sidewalks, street, bridges, bikeways, pedestrian enhancements, and other such infrastructure improvements that are to be started, completed, or which will be ongoing within the ensuing three (3) years. This report would be submitted annually with each proposed budget to the Council.

Paragraph C would require a Quarterly Report on District Projects to be submitted to each member of the Council, describing the construction or implementation status of each capital project by Public Works with the members' respective districts.

Paragraph D would require the preparation of a proposed annual budget for Public Works that discloses the allocation of all anticipated funds for the ensuing fiscal year for each capital project within the Projects Report. This report would also include what projects would be undertaken in the event additional funds are appropriated or otherwise become available. The Director would be allowed to designate funds for unanticipated projects, provided that advance notice of at least thirty (30) days is submitted to the Council.

Paragraph E would clarify that the requirements of this new Section would not apply to projects, funds, or allocations required for purposes of emergency or disaster response.

The details and costs for implementing these new requirements have not yet been determined.

BILL NO. BL2016-220 (PULLEY) – Section 2.40.115 of the Metro Code of Laws currently requires the Metropolitan Attorney to report to the Council all judgments entered against Metro. These reports are required to be made within thirty (30) days after the judgment becomes final. The resolution under consideration would expand that requirement

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BILL NO. BL2016-220, continued

In addition to the monthly report of all final judgments, this resolution would add the requirement for the Metropolitan Attorney to submit a new report to the Council within thirty (30) days after the end of each calendar quarter. This report would list all pending lawsuits against Metro if the claims being asserted against Metro seek a total amount greater than \$300,000. The report would further recite the party names, the court in which the action is pending, case number, a description of the damages amount and other remedies sought, and the name of counsel for the Metropolitan Government.

BILL NO. BL2016-221 (ROSENBERG) – Chapter 6.12 of the Metro Code of Laws currently regulates dances and dance halls within Metro. This requires dance halls to be registered with the Chief of Police and a permit to be issued by the Beer Board for the operation of the dance hall or the holding of such dance. The permit requires an application fee of one hundred dollars (\$100), plus an additional annual fee in the same amount.

The regulations require a dance hall to be a “safe and proper place” for the purpose for which it shall be used, and to be properly ventilated and supplied with separate and sufficient toilet conveniences for each sex. These requirements are redundant to other building and construction code requirements.

Chapter 6.12 does prescribe additional conduct standards. Public dances are required to be discontinued and all dance halls closed from 3 AM to 6 AM on weekdays and Saturdays and from 3 AM to noon on Sundays. Persons under eighteen years of age are not permitted to “loiter or congregate about the premises” when alcoholic beverages are being sold. If a minor is seated at a table, there shall be no beer served at the table unless the minor is accompanied by one or both parents, but only if the beer is served in conjunction with food. It is unlawful for the permit holder or any person conducting a public dance hall or public dance to allow or permit any “indecent act” to be committed or any “disorder or conduct of a gross, violent, or vulgar nature.” Also it is unlawful for any “known prostitute, pimp, or procurer” to be present.

The Beer Board has projected that \$40,000 in revenue from these permit fees would be generated in FY17, to be posted to the GSD General Fund. This revenue would be lost if the current permit requirements are eliminated. However, this is not expected to have any impact on the staffing requirements of the Beer Board.

BILL NO. BL2016-222 (GILMORE) – Section 8.04.020 of the Metro Code of Laws (MCL) currently requires dogs (but not cats) to be vaccinated against rabies, but does not mention a specific required frequency.

Section 8.04.030 requires veterinarians to administer these vaccinations according to the standards of the Metro Board of Health. The Board is required to consult with the Davidson County Academy of Veterinary Medicine to determine, among other things, the frequency and method of its administration.

Section 68-8-102 (3) of the Tennessee Code Annotated (TCA) defines the “rabies compendium” as being the most recent issue of the national “Compendium of Animal Rabies Prevention and Control”, published by the Association of State Public Health Veterinarians.

Section 68-8-103 (i) of the TCA says, “Nothing in this section shall be construed to require more frequent rabies vaccinations or a greater number of rabies vaccinations than are required by the rabies compendium.”

The most recent version of the compendium on the NASPHV website was just published last month. Part II of this document makes their recommendations for vaccinations. Paragraph B in this part says, “Any of the listed vaccines can be used for revaccination, even if the product is not the same as the one previously administered.” The list of vaccines shown in Appendix 1 of this document includes several that are good for 3 years.

Based on the above, there is no current regulatory prohibition against increasing the rabies vaccination period for dogs from the current one (1) year to three (3) years. The Health Department is not opposed to the extension of this period.

It is anticipated that the sponsor will defer third reading of this legislation.

BILL NO. BL2016-223 (PRIDEMORE) – Section 55-8-153(c) of the Tennessee Code Annotated (TCA) gives Metro the authority to prescribe lower speed limits within certain areas or zones, or on designated highways, avenues, or streets that are not designated as state highways.

This bill would add Section 12.20.080 to the Metro Code of Laws (MCL). This would set a speed limit of 15 miles per hour in any construction or demolition site which meets the MCL definition of a “major project” and which is located within one hundred (100) linear feet of a public road or street.

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BILL NO. BL2016-223, continued

Sections D and E of MCL Section 16.28.235 would be replaced and a new Section F added. These would add the requirement for speed limit signs to be posted at these sites along with project information signs. These would be required to be in place at least twenty-four (24) hours prior to the commencement of any construction or demolition activity. The signs would be required to remain at the site until all work is completed. This legislation has been submitted to the Traffic and Parking Commission for review.

BILL NO. BL2016-224 (PRIDEMORE & ELROD) – Metro has been operating under a consent decree program since 2009 with the United States Environmental Protection Agency (EPA) and the Tennessee Department of Environment and Conservation (TDEC). This decree was to settle problems found with the Department of Water and Sewerage Services overflow abatement.

The capital program to address these issues consists of 110 different projects for which the program management and construction management services were competitively procured and awarded for terms of sixty (60) months, which is the maximum allowable contract term length without Council approval.

Contract #19448 was awarded in 2011 for program management services to Camp Dresser & McKee, Inc., now known as CDM Smith, Inc. Contract #19572 was awarded in 2012 for construction management services to Gresham Smith & Partners. Annual performance audits by Crosslin & Associates have confirmed that the performance of both consulting teams has been excellent.

The bill under consideration would extend both contracts for a term of up to seven (7) years. Ten (10) projects are currently in the design phase and fourteen (14) are under construction. It would likely be difficult to manage and maintain existing data, project records, and construction status details for active projects if the consulting firms were to be changed at this point.

Selection for engineering services must be based on qualifications under state law. Bidding for these services is prohibited and costs are negotiated after selection. The additional effort that would be required for new teams to develop an adequate understanding of the program would arguably take time and increase costs.

Extension of the current contracts has been recommended by the Director of the Department of Water and Sewerage Services as well as the Purchasing Agent.

BILL NO. BL2016-225 (PRIDEMORE) – This bill approves a lease agreement between JDJP Development, LLC and Metro for temporary office space at 749 Massman Drive to be used by the Metro Nashville Police Department.

The term of the lease is from July 1, 2016 through December 31, 2019, unless terminated earlier. The minimum monthly rent for this office space is as follows:

- Commencement date – June 30, 2017 \$25,000.00 (\$12.00 per square foot)
- July 1, 2017 – June 30, 2018 \$25,750.00 (\$12.36 per square foot)
- July 1, 2018 – June 30, 2019 \$26,522.50 (\$12.73 per square foot)
- July 1, 2019 – December 31, 2019 \$27,318.18 (\$13.11 per square foot)

Any additional charges required to be paid by Metro would be considered “additional rent”.

In addition, Metro would be required to pay forty-five thousand dollars (\$45,000) at the execution of the lease. Twenty-five thousand dollars (\$25,000) would be credited against the first required monthly lease payment. The remaining twenty thousand dollars (\$20,000) would be considered a security deposit.

This proposed lease was approved by the Planning Commission on April 12, 2016. Amendments to this lease may be approved by resolution of the Council receiving 21 affirmative votes.

BILL NO. BL2016-226 (A. DAVIS & ELROD) – This bill would rename an unimproved portion of Rosecliff Drive from Rosebank Avenue westward to its terminus as “Colbert Drive”. The name change has been requested by the Department of Public Works.

This proposed name change has been approved by the Planning Commission and the Emergency Communications District Board.

BILL NO. BL2016-227 THROUGH BL2016-229 – These bills would abandon a portion of certain streets, alley, rights-of way, and easements. All have been approved by the Planning Commission and the Traffic and Parking Commission. Metro has no future need for any of these streets, alley, rights-of- way, or easements. The details are as follows:

- **BL2016-227 (Withers, Allen, & Others)** - Alley No. 258 right-of-way and easement, requested by Civil Site Design Group, PLLC, Applicant and 200 Main Partners, LLC, Owner;

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BILL NO. BL2016-227 THROUGH BL2016-229, continued

- **BL2016-228 (Roberts, Allen, & Others)** – Hill Circle right-of-way and easement, requested by Bonnie Mitchell, Applicant; and
- **BL2016-229 (Allen, Elrod, & Potts)** – Evergreen Avenue right-of-way, requested by Heithcock Construction, LLC, Applicant.

BILL NO. BL2016-230 (ALLEN & ELROD) – This bill would abandon existing sewer and water main and easements and accept new sewer, water main, and easements for six properties located along 9th Avenue North.

This ordinance was approved by the Planning Commission on March 31, 2016. Future amendments to this ordinance may be approved by resolution.

BILL NO. BL2016-231 (ROBERTS, ALLEN, & ELROD) – This bill would abandon easement rights that were previously retained by Council Bill No. O74-1115 for property located at 5000 Indiana Avenue. These are no longer needed by Metro for any purpose.

This ordinance was approved by the Planning Commission on April 7, 2016. Future amendments to this ordinance may be approved by resolution

BILL NO. BL2016-234 (BEDNE, VERCHER, & M. JOHNSON) –.

This ordinance, as substituted, would allow the director of the Metro Health Department – the department tasked with the enforcement of local air pollution regulations – to request information from applicants for construction permits of equipment or facilities that are a source of air contaminant emissions. The director would be permitted to request information necessary to determine whether the source would operate in violation of Metro Code air pollution regulations or prevent attainment or maintenance of national air quality standards. If the facility constitutes a “major source, as defined under Section 10.56.010, the information sought may include source impact analysis and air quality analysis.

Most significantly, the substitute ordinance would require all new sources of emissions to comply “with the Metropolitan Zoning Code for the use of the property” on which the source would be constructed. This legislation follows adoption of Ordinance No. BL2015-1210, enacted by the Metro Council in August, 2015, which established “natural gas compressor station” as a

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BILL NO. BL2016-234, continued

use permitted only in industrial zoning districts. Accordingly, in the case of gas compressor stations, the proposed ordinance would have the effect of requiring compliance with zoning provisions as part of Metro's air pollution regulations.

Under the Clean Air Act (CAA), individual states are authorized to establish their own air quality regulations, consistent with the national standards promulgated by the Environmental Protection Agency (EPA) -- an approach described as "an exercise in cooperative federalism." States wishing to regulate their own air quality must first adopt a "state implementation plan" (SIP) that sets forth its air quality standards, subject to approval by the EPA. Tennessee has adopted a SIP which explicitly references Chapter 10.56 of the Metro Code. As currently drafted, that Chapter includes no zoning component, but the proposed substitute ordinance seeks to include zoning compliance as a requirement.

The proposed substitute ordinance raises issues of federal preemption. In 1938, Congress enacted the Natural Gas Act (NGA) for the principal purpose of "encourag[ing] the orderly development of plentiful supplies of...natural gas supplies at reasonable prices." Generally, federal law prohibits local governments from regulating natural gas facilities which serve gas pipelines traversing state lines. Consistent with this principle of preemption, the NGA vests the Federal Energy Regulatory Commission (FERC) with "exclusive jurisdiction" over the transportation of natural gas in interstate commerce. However, the Commission's power to preempt state and local law is restricted by the NGA's "savings clause", which saves the "rights of states" from preemption under the Clean Air Act. While Congress intended to occupy the field -- to the exclusion of state law -- by establishing a "comprehensive scheme of federal regulation of all wholesales of natural gas in interstate commerce", it expressly spared states' CAA powers from preemption. Simply put, air quality regulations that are part of a state's SIP are not preempted, unless the NGA states otherwise. The proposed ordinance reflects an attempt to amend this portion of Tennessee's SIP for Davidson County.

Just as individual states are allowed under the CAA to administer regulations equivalent to the EPA, the CAA further permits states to delegate to local authorities the authority to administer local air pollution control programs. To do so, local authorities must file an application with the state's Air Pollution Control Board, whereupon the Board issues a "certificate of exemption". Currently, four counties in Tennessee -- including Davidson County -- do so.

If this substitute ordinance is passed, subsequent approval by the state's Air Pollution Control Board would be required for inclusion within the SIP. If approved, the amended SIP must then be submitted to the EPA for approval. The amendment would not be federally enforceable until those two steps were completed.