

RESOLUTION NO. RS2018-1314

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 November 6, 2018.

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.

INTRODUCED BY:

Dave Rosenberg
Member of Council

AMENDMENT NO. A

- I. Section 5.05 of Article 5 of the Charter of The Metropolitan Government of Nashville and Davidson County shall be amended by deleting the provision in its entirety and substituting in lieu thereof the following new provision:

“Section 5.05 - Election of vice mayor; presiding officer of council; succession beyond vice mayor.

The vice mayor shall be elected for a term of four (4) years and until his or her successor is elected and qualified. He or she shall possess the qualifications of the mayor and shall be compensated at the rate of forty-two hundred (\$4,200) dollars per annum, payable semi-monthly. In the event the office of mayor becomes vacant, the vice mayor shall serve as mayor and be compensated as such until the vacancy is filled as provided in section 15.03 of this Charter. If the vice mayor becomes unable or unwilling to serve as mayor, the council shall nominate and elect a successor to serve as mayor until a mayor is subsequently qualified and elected. The successor:

- A. shall be elected by winning a majority of votes, where “majority” is defined as one vote more than half of all the members to which the council is entitled with the exception of any seat which is vacant. If no nominee receives a majority of the votes, the nominee who receives the lowest number of votes shall be eliminated (or, in the event of a tie for last place, all nominees obtaining that number of votes shall be eliminated) and another round of voting shall be held. This process will continue until a nominee receives a majority of votes. In the event of a tie where all candidates receive the same number of votes, a ten-minute recess shall be called and another vote shall be held with the same nominees eligible to receive votes;
- B. shall be legally qualified to hold office as mayor per Section 5.02 of this Charter; and
- C. shall not be eligible to file a nominating petition for the subsequent election for mayor or the subsequent election for vice mayor.”

FOR THE BALLOT

Amendment No. 1

This amendment would revise the line of succession for the office of mayor by calling for a council election of a temporary mayor in the absence of the vice mayor and further prohibit that temporary mayor from seeking election in the next election for mayor or vice mayor.

AMENDMENT NO. B

I. Section 15.03 of Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by deleting the provision in its entirety and substituting in lieu thereof the following new provision:

“Section 15.03 – Elections subsequent to vacancies

- A. Whenever a vacancy in the office of mayor shall exist more than twelve (12) months prior to the expiration of the term, a special election shall be held in accordance with Tennessee Code Annotated section 2-14-102.
- B. Whenever a vacancy in the office of vice mayor shall exist more than twenty-four (24) months prior to the expiration of the term, a special election shall be held in accordance with Tennessee Code Annotated section 2-14-102.
- C. Whenever a vacancy in the office of district council member shall exist more than eight (8) months prior to the expiration of the term, a special election shall be held in accordance with Tennessee Code Annotated section 2-14-102.
- D. Whenever a vacancy in the office of councilmember-at-large shall exist, no special election shall take place and the office shall remain vacant for the remainder of the term.
- E. Whenever a special election is called for by this section, such special election shall be ordered by the county commissioners of elections and they shall give notice thereof as provided by Tennessee Code Annotated section 2-14-105.
- F. If in such a special election to fill a vacancy for the unexpired term of the office of mayor, no candidate shall receive a majority of all the votes cast for such office, a runoff election shall be held five (5) weeks subsequent to the first special election to fill a vacancy in accordance with the provisions hereinbefore set forth in the case of a general metropolitan election. In the event that the date prescribed for the runoff election falls on a major holiday or creates other major logistical concerns, the Election Commission shall be empowered to schedule the election no more than two days prior to the prescribed date.
- G. If in such a special election to fill a vacancy for the unexpired term of the office of vice mayor or district council member no candidate shall receive a majority of all the votes cast for such office, a runoff election shall be held in the manner prescribed in Part F of this section.
- H. The provisions of section 15.01 hereof with respect to voting in general metropolitan elections and with respect to qualifying as a candidate shall apply to special elections at which time a vacancy is filled. I. Any unfilled vacancy in existence at the time of the adoption of this amendment, and any subsequent vacancy, shall be subject to the provisions of this section.”

FOR THE BALLOT

Amendment No. 2

This amendment would require a special election for mayor when more than twelve (12) months remain in the unexpired term, for vice mayor when more than twenty-four (24) months remain in the unexpired term, and for district council member when more than eight (8) months remain in the unexpired term and clarify that no special election for councilmember-at-large be held.

AMENDMENT NO. D

I. Part I, Article III of the Metropolitan Charter shall be amended by inserting into Article III a new subsection 3.08 Oath of Office as follows:

“Sec. 3.08. Oath of Office.

Each person who shall be elected as a member of council, shall, before entering on the duties of that office, take an oath to support the Constitution of this State, the Constitution of the United States, and the Charter of the Metropolitan Government of Nashville and Davidson County.”

II. Part I, Article V of the Metropolitan Charter shall be amended by inserting into Article V a new subsection 5.08 Oath of Office as follows:

“Sec. 5.08. Oath of Office.

Every person who shall serve in the office of mayor or vice mayor, shall, before entering on the duties of that office, take an oath to support the Constitution of this State, the Constitution of the United States, and the Charter of the Metropolitan Government of Nashville and Davidson County.”

FOR THE BALLOT

Amendment No. 3

This amendment would require the oaths of office for Mayor, Vice Mayor, and Members of Council to include an oath to uphold the Charter of the Metropolitan Government of Nashville.

AMENDMENT NO. E

I. Section 1.07 of Article 1 of the Charter of The Metropolitan Government of Nashville and Davidson County shall be amended by deleting subsection A in its entirety, substituting in lieu thereof the following new subsections A and B, and re-numbering the remaining subsections as necessary:

Sec. 1.07. - Term limits.

A. No person elected and qualified to the office of mayor or vice mayor shall be eligible for the succeeding term in the same office if such person has served more than one-half of a four (4) year term and a consecutive complete four (4) year term in that particular office.

B. No person elected and qualified to the office of district councilmember, or councilmember-at-large shall be eligible for the succeeding term in the same office if such person has served more than one-half of a four (4) year term and two consecutive complete four (4) year terms in that particular office. For purposes of this section, the offices of district councilmember and councilmember-at-large, as established pursuant to section 3.01 of this Charter, shall be considered separate elected offices.

C. In January prior to each state legislative session until such a time that it can be certified that the legislative term limits described in this clause have been enacted, the clerk shall write all state legislators whose districts include any part of Davidson County stating that the people of Davidson County desire an opportunity to vote on legislative term limits. The people of Davidson County respectfully request that a proposed constitutional amendment limit each Representative to six (6) years (three (3) terms) in the Tennessee House of Representatives and eight (8) years (two (2) terms) in the Tennessee Senate. The people of Davidson County also instruct all state legislators representing any part of Davidson County to pass this proposed constitutional amendment and place it on the general election ballot.

D. In January of each year until such a time that it can be certified that the term limits described in this clause have been enacted, the clerk shall write all U.S. Representatives whose districts include any part of Davidson County's limits and both federal Senators stating that the people of this municipality support term limits for the U.S. Congress. The people of Davidson County respectfully request that a proposed federal constitutional amendment limit each Representative to six (6) years (three (3) terms) in the United States House of Representatives and twelve (12) years (two (2) terms) in the United States Senate. The people of Davidson County also instruct their federal delegation to pass a constitutional amendment imposing these limits and submit it to the states for ratification.

E. If any provision of this petition shall be held unconstitutional, invalid or inapplicable to any persons or circumstances, then it is intended and declared by the people of Davidson County that all other provisions of this petition and their application to all other persons and circumstances shall be severable and shall not be affected by such decision.

FOR THE BALLOT

Amendment No. 4

This amendment would revise current term limits for the office of district councilman and councilman at large. The current term limitation of two (2) terms would be expanded to three (3) terms for these offices. Gender neutral terms would also be applied ("councilmember" in lieu of "councilman").

AMENDMENT NO. F

- I. The Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by replacing every instance of "he" (unless followed by "or she") with "he or she", by replacing every instance of "his" (unless followed by "or her") with "his or her", and by replacing every instance of "him" (unless followed by "or her") with "him or her".
- II. The Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by replacing every instance of "councilman" with "councilmember", and by replacing every instance of "councilmen" with "councilmembers".
- III. The Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by replacing every instance of "policemen" to "police officers".

FOR THE BALLOT

Amendment No. 5

This amendment would update the Metropolitan Charter with gender neutral references in place of masculine-only pronouns. References to "he" would be changed to "he or she"; "his" would be changed to "his or her"; "him" would be changed to "him or her"; "councilman" and "councilmen" would be changed to "councilmember" and "councilmembers" respectively; and "policemen" would be changed to "police officers."