

RESOLUTION NO. RS2019-1617 (ROSENBERG & COOPER) – This resolution, as amended, would propose four amendments to the Metropolitan Charter.

The Council, pursuant Metro Charter Sec. 19.01, may only adopt two resolutions during the term of the Council that submit amendments to the voters for ratification. Each proposed amendment to the Charter must be adopted by 27 affirmative votes of the Council, and the resolution itself submitting the amendment must be adopted by 27 affirmative votes in order to become effective. The Council has previously exercised their ability to place Charter amendments on the ballot once this term, through Resolution No. RS2018-1314.

Metro Charter Sec. 19.01 requires that a resolution to amend the Charter must prescribe a date not less than eighty (80) days subsequent to the date of its filing for the holding of a referendum election to vote to ratify or reject the proposed amendments. Under state law, the resolution as adopted by Council must be filed with the Election Commission 75 days before the election. (Tenn. Code Ann. § 2-3-204(b)) (“Resolutions...requiring the holding of elections on questions submitted to the people which are to be held with the regular November election...shall be filed with the county election commission not less than seventy-five (75) days prior to such election.”)(See also Tenn. Op. Att’y Gen. No. 08-171, Nov. 5, 2008, construing T.C.A. § 2-3-204). The resolution provides that the date for holding the referendum election on the proposed Charter amendments is to be August 1, 2019. The May 7, 2019 Council meeting is the last regular meeting date at which a Charter amendment resolution may be approved in order to comply with the above-referenced deadlines.

Originally, this resolution proposed five amendments to the Metropolitan Charter as follows:

- Amendment A, as amended, would allow for ranked choice voting in elections for mayor, vice-mayor, councilmember-at-large, and district councilmember. A new Section 15.11 would be added to the Metro Charter to govern ranked choice voting, which would allow voters to rank candidates in order of preference. A candidate who receives a majority of first-preference votes for a given office would win the election. If no candidate receives a majority, the lowest-scoring candidate would be eliminated and the votes would be redistributed to remaining, non-eliminated candidates based on the eliminated candidate’s voters’ order of preference. This would continue until one candidate received a majority of the votes. For councilmembers-at-large, votes would be redistributed until all vacancies are filled. A new Section 15.12 would be added to govern runoff elections. If ranked choice voting became repugnant to state law, as determined by a regulatory agency or court, this amendment would provide for a reversion to the current system of electing mayor, vice-mayor, councilmember-at-large and district councilmember, further relying on the current system to determine run-off candidates. Amendment A was disapproved by the Charter Revision Commission (3-2) and approved by the Council at the April 16, 2019 regular meeting.
- Amendment B was withdrawn by the sponsor at the April 16, 2019 Council meeting. As amended, it would eliminate runoff elections after special elections for vice mayor and

district councilmember and instead institute ranked choice voting for these offices. A candidate who received a majority of first-preference votes for the office would win. If no candidate receives a majority, the lowest-scoring candidate would be eliminated and the votes would be redistributed to remaining, non-eliminated candidates based upon the eliminated candidate's voters' order of preference. This would continue until one candidate receives a majority of the votes. Amendment B was disapproved by the Charter Revision Commission (3-2).

- Amendment C, as amended, would require certain additional information to be included with the annual operating budget. Currently, the Charter requires estimates of fund balances, revenues, and proposed expenditures. This amendment would require additional disclosures of the total principal amount of debt of the Metropolitan Government then outstanding, with a comparison of that amount to the previous calendar year (stated in dollars and as a percentage), together with a calculation of debt per capita based upon the population of the Metropolitan Government. The annual operating budget would also be required to include performance and efficiency measures for departments, boards, commissions, and agencies that receive appropriations from the Metropolitan Government. The Director of Finance would have discretion to determine the appropriate measurements, as well as the discretion to omit departments, boards, commissions and agencies whose functions are not conducive to quantifiable measurements. Amendment C was approved with amendments by the Charter Revision Commission (5-0) and approved as amended by the Council at the April 16, 2019 regular meeting.
- Amendment D, as originally submitted, would require the eight (8) appointed members of the Planning Commission to be appointed from seven (7) planning districts, with at least one (1) member appointed from each district. Each planning district would consist of five (5) council districts. The mayor would appoint a member from a planning district upon the vacancy of an existing member's seat until all seven (7) districts are represented. These districts could subsequently be altered in a plan for redistricting councilmanic districts adopted pursuant to Section 18.06 of the Metropolitan Charter. An amendment to this Amendment D was introduced at the April 16, 2019 Council meeting and approved. As amended, Amendment D would eliminate creation of planning districts and instead require at least three (3) of the eight (8) appointed Planning Commission members to be residents of the area outside the urban services district as it existed when the Charter was first adopted. Both the original version of Amendment D and the amended version were disapproved by the Charter Revision Commission (5-0). The amended version of Amendment D awaits Council consideration.
- Amendment E would remove existing language from the Charter which provides that a vacancy upon the Metropolitan Board of Education is filled by the remaining members of the Board. Tenn. Code Ann. 49-2-201(a)(1) governs the procedure for filling a vacancy on a county board of education. This requires the relevant local legislative body to select an individual to fill such a vacancy. This amendment would make the language in the Charter consistent with the requirements of state law. Amendment E was approved by the Charter Revision Commission (5-0) and awaits Council consideration.