
METROPOLITAN CHARTER REVISION COMMISSION
MINUTES OF MEETING

June 27, 2018

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The Metropolitan Charter Revision Commission met on June 27, 2018 at 4:30 pm in Committee Room 1, Suite 205 of the Metropolitan Courthouse, One Public Square, Nashville, Tennessee 37201.

The following members of the Commission were present: Dewey Branstetter, Eileen Beehan, Hal Hardin, Susan Short Jones, and David Wilson.

The meeting was called to order at 4:32 p.m., and the first order of business was the approval of the minutes of the May 10, 2018 meeting. Upon motion by Ms. Jones, seconded by Mr. Wilson, the Commission voted unanimously to approve the minutes of the May 10, 2018 meeting. Thereafter, the Secretary made an announcement related to appeal rights of parties as required by Metropolitan Code of Laws section 2.68.030.

The next order of business was the consideration of Substitute Resolution RS2018-1180 and a Proposed Amendment thereto. The first proposed charter amendment presented by Council Member Rosenberg would establish a manner of succession to fill a vacancy for the office of mayor in the event the vice mayor is unable or unwilling to serve, and prohibits the person selected to perform the duties of mayor in such instance from filing a nominating petition for the subsequent election for mayor or, if also vacant, for vice mayor.

The second proposed charter amendment would (1) clarify when a special election is required to fill a vacancy for the office of mayor; (2) provide for a special election to fill a vacancy for the office of vice mayor; (3) reduce the length of time prior to a general metropolitan election within which to hold a

special election in order to fill a vacancy for the office of district council member; and (4) make explicit the date of a runoff subsequent to a special election for mayor, vice mayor, or district council member when no candidate receives a majority of applicable votes.

The third proposed charter amendment presented by Council Member Rosenberg would implement the use of instant runoff voting in a special election to fill a vacancy for the office of vice mayor or district council member in order to eliminate subsequent runoff elections for these two offices.

A proposed alternative to the second charter revision proposal, as offered via Amendment by Council Member Allen, would require a special election to fill a vacancy for the office of mayor or vice mayor when the vacancy occurs more than twelve (12) months prior to a general metropolitan election. The Amendment would likewise require a special election to fill a vacant district council seat that occurs more than six (6) months prior to a general metropolitan election. Elections for county judges and other county-wide public offices would be incorporated in the definition of “general metropolitan election.”

The Chairman opened the public hearing, and Council Member Rosenberg described his proposed charter amendments. Council Member Rosenberg stated that a superseding Resolution will be filed with the same amendments presently contained in Substitute Resolution RS2018-1180 in order to satisfy Rule 23 of the Council Rules of Procedure. Council Member Allen discussed an Amendment she has offered that is not incorporated into Substitute RS2018-1180. The Amendment would expressly incorporate judicial and other local elected officials into the definition of what constitutes a general metropolitan election. Ms. Allen explained that the amendment intends to permit elections to fill vacancies that occur within the applicable duration to coincide with other county-wide elections, rather than to be held separately by special election. Mr. James Delanis stated he was attending the public hearing in his personal capacity, and raised questions to the Council Members regarding rank choice voting. Council Member Rosenberg responded that the rank choice voting proposal contains a

reversionary clause in the event those provisions were subsequently ruled unconstitutional or otherwise prohibited. There being no further individuals requesting to address the Commission, the Chair declared the public hearing closed. Commissioner Hardin exited the meeting at this time.

Commissioner Wilson moved to request a formal legal opinion from the Metropolitan Department of Law concerning the legality of a provision in the first proposed amendment that, if adopted, would prohibit qualification of an identifiable individual from candidacy for certain offices as specified in the amendment. Specifically, the proposed amendment to Metropolitan Charter § 5.05 would permit the Metropolitan Council to elect an individual to serve as mayor in the event of simultaneous vacancy for the offices of mayor and vice mayor (or declination by vice mayor to act in the role of mayor), but would prohibit said person from running for the office of either mayor or vice mayor (if the latter were also vacant) in the subsequent election. Commission Chairman Branstetter offered an amendment to the motion to also request a legal opinion as to whether any of the proposed charter amendments present any identifiable legal impediments, including the amendment proposed by Council Member Allen. Commissioner Wilson amended his motion accordingly. Commissioner Beehan seconded the motion as amended, which passed by unanimous vote of the Commission.

By consensus, the Commission determined to reconvene consideration of the proposed charter amendments and the requested legal opinions thereto on August 3, 2018 at 3:00 p.m.

There being no further business before the Commission, the meeting adjourned upon a motion by Ms. Jones, seconded by Mr. Beehan, which was adopted and the meeting was adjourned at 5:32 p.m.

Respectfully Submitted,

/s/ Dewey Branstetter

C . DEWEY BRANSTETTER, JR., CHAIRMAN

/s/ Elizabeth Waites

ELIZABETH WAITES, SECRETARY