
METROPOLITAN CHARTER REVISION COMMISSION
MINUTES OF MEETING

September 11, 2020

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The Metropolitan Charter Revision Commission met in virtual, electronic meeting format on September 11, 2020 as authorized pursuant to Governor Lee’s Executive Order No. 16 as extended by Orders 34, 51, and 60 to protect the welfare of Tennesseans in light of the COVID-19 epidemic. The following members of the Commission were present: Dewey Branstetter, Chairman; Hal Hardin, Vice-Chairman; Eileen Beehan, Susan Short Jones, Lorinda McLaughlin, Jim Murphy, and David Wilson.

The meeting was called to order, and Commissioner Wilson moved for the Commission to find that this meeting constitutes essential business of the Metropolitan Government, and that meeting electronically is necessary to protect the health, safety, and welfare of Tennesseans in light of the ongoing pandemic, which motion was seconded by Commissioners Short Jones and approved by unanimous roll call vote of the Commission (7-0).

The next order of business was the Commission’s consideration of the minutes of the April 12, 2019 meeting. Commissioner Hardin moved to incorporate certain clerical revisions and to approve the minutes as revised, which motion was seconded by Commissioner Beehan and

approved by the following roll call vote: Yes (6): Beehan, Branstetter, McLaughlin, Murphy, Short Jones, and Wilson; No (0); Abstain (0).

The Metro Clerk announced certain appeal rights as required by Metropolitan Code of Laws Section 2.68.030.

The Chairman called for consideration by the Commission of Metropolitan Council Substitute Resolution No. RS2020-480. The Chairman opened the public hearing, and the Commission heard from the resolution's sponsor, Councilmember Mendes, who advised that this resolution would resolve certain internal inconsistencies that would become incorporated into the Metropolitan Charter if the pending charter amendment petition submitted by 4GoodGovernment were to become adopted by the voters at a referendum, should such referendum take place upon disposition of outstanding legal questions pending before the Davidson County Election Commission.

No other speakers came forward to be heard, and the Chairman declared the public hearing closed. Commissioner Murphy moved to approve the amendments proposed therein, which motion was seconded by Commissioner Hardin and approved by unanimous roll call vote of the Commission (7-0).

The Chairman called for consideration of a proposed Amendment to Substitute Resolution No. RS2020-480. The Chairman opened the public hearing, and the Commission heard from the amendment's sponsor, Councilmember Mendes, who advised that this amendment would eliminate the private right of action provision initially incorporated into the underlying resolution, and would add a provision reaffirming the Council's and Mayor's existing authorities to contract with professional sports teams and private developments.

No other speakers came forward to be heard, and the Chairman declared the public hearing closed. Commission Beehan moved to approve the amendments proposed therein, which motion was seconded by Commissioner Short Jones and approved by unanimous roll call vote of the Commission (7-0).

The Chairman called for consideration of Metropolitan Council Resolution No. RS2020-518. The Chairman opened the public hearing, and the Commission heard from the resolution's sponsor, Councilmember Glover, who advised that the amendments would establish a combined twelve (12) percent property tax increase cap over any two-year period; would establish a thirty (30) day limit on emergency orders issued by the Metropolitan Mayor or Metropolitan Board of Health, absent passage of a resolution adopted by thirty (30) members of the Metropolitan Council to extend such emergency order, and provided that such extension would be limited to fourteen (14) days per such resolution; and further would amend the charter provision which presently limits amendments thereof to once every two years by citizen petition, such that said provision would allow for amendment by petition up to once per year.

Councilmember Mendes asked to be recognized, and expressed opposition to all amendments proposed by this resolution; and further stating that the tax provision presents an arbitrary limitation on the Metropolitan Council's taxing authority; that the provisions limiting executive orders are in conflict with the doctrine of separation of powers and existing state law; and that the timing of said provision conflicts with the routine meeting dates of the Metropolitan Council as established by the Charter.

Councilmember Glover asked to be heard in response thereto, and advised that the twelve (12) percent cap on property taxes was reasonable based upon standard anticipated rates of

economic inflation, and that the provisions furthermore set reasonable checks on certain powers of the Metropolitan Government.

Legislative Affairs Director for the Metropolitan Mayor, Mr. Mike Jameson, came forward to be heard at this time to express to dissent with the provisions of the resolution; and further advising that the property tax increase limitation appears to conflict with state law; and that the proposed limitations to issuance of emergency orders create an undue burden upon the Metropolitan Government's authority to extend such orders in conflict with the existing purpose and authority for issuance and extension of such orders when necessary.

Metropolitan Council Director Jon Cooper was heard at this time, and advised that passage of the pending petition as well as the amendments proposed by both Council resolutions would create a question of law regarding the Metropolitan Council's property tax authority.

No other speakers came forward to be heard, and the Chairman declared the public hearing closed. Commissioner Beehan moved to disapprove the amendments proposed therein, which motion was seconded by Commissioner Wilson and approved by a unanimous roll call vote of the Commission (7-0).

There being no further business before the Charter Revision Commission, the meeting was adjourned by motion properly seconded and unanimously approved by roll call vote (7-0).

Respectfully Submitted,

C. DEWEY BRANSTETTER, JR., CHAIRMAN

ELIZABETH WAITES, SECRETARY