

Part I CHARTER OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY,
TENNESSEE*

**Part I CHARTER OF THE METROPOLITAN GOVERNMENT
OF
NASHVILLE AND DAVIDSON COUNTY, TENNESSEE***

* State constitution reference—Authority of general assembly to provide for consolidation of cities and counties.

State law reference—Metropolitan governments, T.C.A., §§ 7-1-101.

Annotation—Metropolitan Charter upheld, constitutionality of enabling legislation discussed, C.T.C.A., §§ 6-3701 et seq., *Frazier v. Carr*, 210 Tenn. 565, 360 S.W. 2d 449 (1962).

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ARTICLE 1. GENERAL PROVISIONS

ARTICLE 1. GENERAL PROVISIONS

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Sec. 1.01. Consolidation of county and city; creation of metropolitan government; name.

The governmental and corporate functions now vested in the City of Nashville, a municipal corporation created by Chapter 246, Private Acts of 1947, and amendments thereto, are hereby consolidated with the governmental and corporate functions of the County of Davidson, such consolidation being pursuant to constitutional power granted by article XI, section 9 of the Constitution of Tennessee, as amended, and in conformity with section 7-1-101 et seq. of Tennessee Code Annotated, as amended. Said consolidation shall result in the creation and establishment of a new metropolitan government to perform all, or substantially all, of the governmental and corporate functions previously performed by the county and by the city, to be known as "The Metropolitan Government of Nashville and Davidson County," herein sometimes called "the metropolitan government." The metropolitan government shall be a public corporation, with perpetual succession, capable of suing and being sued, and capable of purchasing, receiving and holding property, real and personal, and of selling, leasing or disposing of the same to the same extent as other governmental entities.

(Res. No. 88-526, § 1, 10-4-88)

Sec. 1.02. Area of metropolitan government.

The territory embraced in the metropolitan government shall be the total area of Davidson County, as the same may be fixed and established upon the effective date of this Charter.¹

1. April 1, 1963.

Sec. 1.03. Two services districts and their areas.

The metropolitan government shall, within the geographical limits thereof, comprise two (2) service districts, to wit: A general services district and an urban services district, as to both of which districts the metropolitan government shall have jurisdiction and authority. The general services district shall consist of the total area of the metropolitan government, the same being the total area of Davidson County as fixed and established upon the effective date of this Charter.² The urban services district shall consist originally of the total area of the City of Nashville at the time of the filing of this Charter with the county

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ARTICLE 1. GENERAL PROVISIONS

commissioners of election, which area is more specifically described and set forth in Appendix One hereto.

2. April 1, 1963.

Sec. 1.04. Expansion of urban services district.

The area of the urban services district may be expanded and its territorial limits extended by annexation whenever particular areas of the general services district come to need urban services, and the metropolitan government becomes able to provide such service within a reasonable period, which shall not be greater than one (1) year after ad valorem taxes in the annexed area become due. The tax levy on property in areas hereafter annexed shall not include any item for the payment of any deficit in the pension or retirement funds of the former City of Nashville. Said tax levy shall not include any item (except pursuant to and subject to the provisions of [Section 7.04](#) of this Charter), for the payment of urban bonds of the metropolitan government issued prior to the effective date of such annexation, or debts of the former City of Nashville allocated to the urban services district under [section 7.20](#) of this Charter, except to the extent that it shall be found and determined by the metropolitan county council that the property within the newly annexed area will benefit, in the form of urban services, from the expenditures for which the debt, or a specified portion of the debt, was incurred, to substantially the same extent as the property within the urban services district as same existed prior to such annexation.

Annexation shall be based upon a program set forth in the capital improvements budget provided for by [section 6.13](#). Such annexation shall be accomplished and the validity of the same may be contested, by the methods and procedures specified in Tennessee Code Annotated, sections 6-51-101 to 6-51-105, with respect to annexation by municipalities.

(Res. No. 88-526, § 2, 10-4-88)

Sec. 1.05. Functions within general services district and urban services district.

The metropolitan government may exercise within its general services district those powers and functions which have heretofore been exercised by the County of Davidson or the City of Nashville, or both, and shall supply the residents of said general services district with those governmental services which are now, or hereafter may be, customarily furnished by a county government in a metropolitan area.

The metropolitan government may exercise within its urban services district those powers and functions which have heretofore been exercised by the City of Nashville or the County of Davidson, and shall supply the residents of said urban services district with those kinds of governmental services which are now, or hereafter may be, customarily furnished by a city government in a metropolitan area.

The functions of the metropolitan government to be performed, and the governmental services to be rendered throughout the entire general services district shall include: general administration, police; courts, jails; assessment; health; welfare; hospitals; housing for the aged; streets and roads; traffic; schools; parks and recreation; library; auditorium, fairgrounds; airport; public housing; urban redevelopment; urban renewal; planning; electrical code; building code; plumbing code; housing code; electricity; transit; refuse disposal; beer supervision; and taxicab regulation.

The additional functions of the metropolitan government to be performed and the additional governmental services to be rendered within the urban services district shall include: additional police protection; fire protection; water; sanitary sewers; storm sewers; street lighting; street cleaning; refuse collections and wine and whiskey supervision.

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Nothing in the foregoing enumeration and assignment of functions shall be construed to require the continued maintenance or furnishing of any governmental service which the council by ordinance has determined to be obsolete and unnecessary.

Nothing in this section shall be deemed to limit the power of the metropolitan government to exercise other governmental functions in either the urban services district or the general services district, or to provide new and additional governmental services in either the urban services district or the general services district.

Sec. 1.06. Departments of metropolitan government.

The governmental and corporate authority of the metropolitan government shall be vested in a metropolitan county mayor, who shall be the chief executive officer; a metropolitan county council, which shall be the chief legislative body; an urban council, which shall levy a property tax within the urban services district; the judges of the metropolitan court; the justices of the peace; the departments, boards and commissions herein provided; and such officers, agencies, boards and commissions as may be provided by the Constitution or general laws of the State of Tennessee, or by ordinance enacted pursuant to this Charter.

Sec. 1.07. Term limits.

- A. No person elected and qualified to the office of mayor, vice mayor, district councilman, or councilman-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 a consecutive complete four (4) year term in that particular office. For purposes of this section, the offices of district councilman and councilman-at-large, as established pursuant to section 3.01 of this Charter, shall be considered separate elected offices.
- B. 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.
- C. 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.
- D. 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.

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ARTICLE 1. GENERAL PROVISIONS

(Amended by Res. No. RS2008-404, § 1(Amdt. 2), referendum election 11-4-08)

Editor's note—Section 1.07 was added by referendum election held November 8, 1994.

Sec. 1.08. Mayor's state of metro address.

Not later than May 25 of each calendar year, the mayor shall personally address the metropolitan council on the state of the Metropolitan Government of Nashville and Davidson County in a metropolitan facility at a specially called meeting of the council that shall be open to the public. Such meeting, the date and time of which shall be set by the council by resolution, shall be solely for the purpose of receiving the mayor's address, and no other official business shall be conducted at such meeting. Such special meeting may be convened without the presence of a quorum of the council.

(Added by Amdt. 2 to referendum petition approved November 7, 2006)

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ARTICLE 2. POWERS

ARTICLE 2. POWERS

[Sec. 2.01. Specific powers.](#)

[Sec. 2.02. General powers.](#)

Sec. 2.01. Specific powers.

The metropolitan government of Nashville and Davidson County shall have power:

1. To levy and collect taxes upon all property excepting only property exempt from taxation by general law.
2. To levy and collect taxes upon all taxable privileges and to license and regulate such privileges and privileged occupations.
3. To make appropriations for the support of the metropolitan government, for any other purpose authorized by this Charter and for any purpose for which a county or city is authorized by general law to appropriate; and to provide for the payment of the debts and expenses of the metropolitan government and also the debts and expenses of the county and the city of which it is the successor.
4. To borrow money for the purposes and in the manner provided by [article 7](#), or other provisions of this Charter.
5. To purchase, lease, construct, maintain or otherwise acquire, hold and operate any building or other property, real or personal, for any public purpose, and to sell, lease or otherwise dispose of any property, real or personal, belonging to the metropolitan government.
6. To establish, maintain and regulate, free of sectarian influences, a system of free schools.
7. To make regulations to secure the general health of the inhabitants and to prevent, abate and remove nuisances.
8. To lay out, open, extend, widen, narrow, establish or change the grade of, close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean and light streets, roads, alleys and walkways of the metropolitan government.
9. To provide for the creation, maintenance, building or purchase and operation of waterworks, electric power system, gas plants, transportation facilities, public airports, and any other public utility, including sewers and a sewage disposal system; to fix such rates and provide for the making of such charges and assessments as are deemed necessary for the proper furnishing of such services; and to provide liens or penalties and withdrawal of service for refusal or failure to pay same.
10. To provide for the prevention and punishment of vice, obscenity, immorality, vagrancy, drunkenness, riots, disturbances, disorderly houses, bawdy houses, gambling and gambling houses, lewd exhibitions, disorderly conduct, the carrying of concealed weapons, and breaches of the peace.
11. To regulate or prohibit junk dealers; pawnshops; the manufacture, sale or transportation of intoxicating liquors, the use and sale of firearms, the use and sale of firecrackers, fireworks and to regulate the transportation, storage and use of combustible, explosive and inflammable

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materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property.

12. To provide for the taking and appropriation of real property within the area of the metropolitan government for any public purpose, when the public convenience requires it and in accordance with the provisions of Tennessee Code Annotated, section 29-16-101 et seq.
13. To provide and maintain a system of pensions and retirement for officers and employees of the metropolitan government and of the county and the city to which it is successor.
14. To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the metropolitan government.
15. To establish, maintain and operate public hospitals, sanatoria, convalescent homes, clinics and other public institutions, homes and facilities for the care of the sick, of children, the aged and the destitute.
16. To establish, maintain and operate a jail and a workhouse.
17. To make special assessments within the urban services district, pursuant to Tennessee Code Annotated, sections 7-32-101 through 7-32-141.
18. To acquire, own, maintain and operate public parks and playgrounds, and to equip and improve them with all suitable devices, buildings and other structures.
19. To collect and dispose of garbage and other refuse within the urban services district, and to regulate the collection and provide for disposal of garbage and other refuse within the general services district.
20. To provide, or aid in the support of public libraries.
21. To regulate the erection of buildings and all other structures, to compel the owner to provide and maintain fire escapes and other safety features, and to provide fire districts or zones and building zones; to prohibit, regulate or suppress, or provide for the destruction and removal of any building or other structure which may be or become dangerous or detrimental to the public.
22. To fix the fares or rates to be charged for carriage of persons and property by any vehicle held out to the public use for hire within the area of the metropolitan government and not operated over a fixed route; to require indemnity bonds issued by surety companies or indemnity insurance policies to be filed by the owner or operator of such vehicle for the protection of any person against loss by injury to person or property; and to make all needful regulations with respect to the operation of such vehicles.
23. To grant rights-of-way through the streets and roads, and over the bridges and viaducts, for the use of public utilities.
24. To improve and preserve the navigation of the Cumberland River, within the metropolitan government; to erect, repair and regulate public wharfs, docks and landings, and to fix the rate of wharfage thereat; to regulate ferries; and to regulate the stationary anchorage and the mooring of vessels or rafts.
25. To regulate zoning.
26. To establish standard weights and measures; and to provide standards of quality for all food products used for human consumption.
27. To provide for the inspection and weighing or measuring of lumber, building material, stone, coal, wood, fuel, hay, corn and other grain.

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28. To regulate, tax, license or suppress the keeping and going at large of animals, including domestic fowl; and to impound the same and in default of redemption to sell or kill the same.
29. To provide for the protection of animals and children, and to prevent cruelty to same.
30. To regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys and walkways of the metropolitan government.
31. To regulate, by license or otherwise, plumbers and electricians and plumbing and electrical work.
32. To examine and license stationary engineers engaging in operating steam plants within the metropolitan government.
33. To regulate the emission of smoke, the installation and maintenance of fuel-burning equipment, and the methods of firing and stoking furnaces and boilers.
34. To regulate the operations, fees and services of private fire departments maintained outside the area of the urban services district; and to enter into contracts for the furnishing of fire protection outside the urban services district.
35. To collect service charges to defray installation and operation costs for furnishing services beyond the limits of the urban services district when such services are a function of the urban services district.
36. To create, alter or abolish departments, boards, commissions, offices and agencies other than those specifically established by this Charter,⁴ and to confer upon the same necessary and appropriate authority for carrying out of all powers, including the promulgation of building, plumbing, zoning, planning and other codes; but when any power is vested by this Charter in a specific officer, board, commission or other agency, the same shall be deemed to have exclusive jurisdiction within the particular field.
37. To enter into contracts and agreements with other governmental entities and also with private persons, firms and corporations with respect to furnishing by or to the other services and the payments to be made therefor.
38. To determine such offices for which bond shall be required and the amount thereof.
39. To provide penalties for violations of any ordinance adopted pursuant to the authority of this Charter or of general law.
40. To pass all ordinances necessary for the health, convenience, safety and general welfare of the inhabitants, and to carry out the full intent and meaning of this Charter, as fully as if specifically authorized.

(Res. No. 88-526, §§ 3, 4, 10-4-88)

4. Constable is a constitutional officer, and office cannot be abolished by metropolitan government. *Glasgow v. Fox*, 214 Tenn. 656, 383 S.W. 2d 9 (1964).

Sec. 2.02. General powers.

In addition to other powers herein granted, the metropolitan government shall be vested with (1) any and all powers which cities are, or may hereafter be, authorized or required to exercise under the Constitution and general laws of the State of Tennessee, as fully and completely as though the powers were specifically enumerated herein, except only for such limitations and restrictions as are provided in Tennessee Code Annotated, section 7-1-101 et seq., as amended, or in this Charter; and (2) any and all

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powers which counties are, or may hereafter be, authorized or required to exercise under the Constitution and general laws of the State of Tennessee, as fully and completely as though the powers were specifically enumerated herein, except only for such limitations and restrictions as are provided in Tennessee Code Annotated, section 7-1-101 et seq., as amended, or in this Charter; and (3) any and all powers possessed by the County of Davidson or the City of Nashville immediately prior to the effective date of this Charter.

(Res. No. 88-526, § 5, 10-4-88)

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ARTICLE 3. THE METROPOLITAN COUNTY COUNCIL

ARTICLE 3. THE METROPOLITAN COUNTY COUNCIL

[Sec. 3.01. Metropolitan county council created; councilmen-at-large and district councilmen.](#)

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[Sec. 3.05. Legislative authority exercised by ordinance; requirements as to, and form of, ordinances.](#)

[Sec. 3.06. Authority and power of the council.](#)

[Sec. 3.07. No pensions for councilmen.](#)

Sec. 3.01. Metropolitan county council created; councilmen-at-large and district councilmen.

The legislative authority of the metropolitan government of Nashville and Davidson County, except as otherwise specifically provided in this Charter, shall be vested in the metropolitan county council, sometimes hereinafter called "Council," which shall have a total membership of forty (40), including five (5) councilmen-at-large, and thirty-five (35) district councilmen. The entire electorate of the metropolitan government shall elect the five (5) councilmen-at-large and each of the thirty-five (35) councilmanic districts shall elect one (1) district councilman. There shall be thirty-five (35) councilmanic districts in the metropolitan government, which are hereby created and established in accordance with the detailed descriptions thereof by metes and bounds as set forth in Appendix Two hereto attached as a part of this Charter.

Sec. 3.02. Terms; compensation; age and residence qualification.

Members of the council shall serve for a term of four (4) years and until their successors are elected and qualified; and shall be compensated at the rate of three hundred (\$300) dollars per month. No person shall be eligible to serve as councilman-at-large or district councilman unless he shall have attained the age of twenty-five (25) at the beginning of his term and unless he shall have been a resident of the area of the metropolitan government for a period of one (1) year and shall continue to reside therein during his period of service. No person shall be eligible to serve as district councilman unless he shall have been a resident of the district for which elected for a period of six (6) months and shall continue to reside therein during his period of service. Members of the council shall hold no other elective or appointive office in the metropolitan government or employment by said government, except as expressly provided in this Charter.

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

ARTICLE 3. THE METROPOLITAN COUNTY COUNCIL

Sec. 3.03. Quorum; rules of procedure; presiding officer.

Not less than two-thirds (2/3rds) of all the members to which the council shall be entitled shall constitute a quorum for the transaction of business. The council may determine its rules of procedure. The vice county mayor shall be the presiding officer of the council, but without vote therein, except in the event of a tie vote, when he may cast the deciding vote.

Sec. 3.04. Regular meetings; adjourned meetings; special meetings.

The council shall hold regular meetings only on the first and third Tuesday of each month and may hold an adjourned meeting of a regular meeting on any week day or hour it may fix. At such adjourned meeting the council may transact any business which it might transact at a regular meeting. Special meetings of the council may be held when called by the mayor or vice mayor and shall be called by either official when the public welfare requires it or when requested in writing by a majority (21) of the members of the council. At least forty-eight (48) hours' written notice shall be given for any special meeting, stating the object or objects thereof, and the business of such meeting shall be restricted to the objects so stated. All meetings of the council shall be open to the public and shall be held in a metropolitan building unless by reasons of casualty a different meeting place shall be selected, with public announcement thereof.

Editor's note—The amendment to § 3.04 was approved at an election held Aug. 4, 1983.

Sec. 3.05. Legislative authority exercised by ordinance; requirements as to, and form of, ordinances.

The council shall exercise its legislative authority only by ordinance, except as otherwise specifically provided by this Charter or by general law. No ordinance shall become effective until it shall have passed by a majority vote on three (3) different days, on the final passage of which it shall have received a majority vote of all the members to which the council is entitled and until it shall have been signed by the metropolitan county mayor or become a law without his signature as otherwise provided in [article 5](#) hereof. On final passage of an ordinance or resolution, a vote shall be taken by ayes and noes, and the names of the councilmen voting for or against the same shall be entered on the minutes. Each ordinance shall begin "Be it enacted by the Council of the Metropolitan Government of Nashville and Davidson County", and no ordinance shall take effect until twenty (20) days after its passage, unless the same shall state that the welfare of the metropolitan government of Nashville and Davidson County requires that it should take effect sooner.

Sec. 3.06. Authority and power of the council.

The council is authorized to legislate with respect to the powers of the metropolitan government granted by [article 2](#) hereof, except as otherwise provided in this Charter; and by ordinance to provide for the organization, conduct and operations of all departments, boards, commissions, offices and agencies of the metropolitan government, when the same has not been provided for by this Charter.

In addition to the foregoing and in aid of its legislative function, the council is authorized by resolution passed by a three-fourths (3/4ths) majority of its entire membership and not subject to the veto power of the mayor to conduct investigations by the whole council or any of its committees; to employ and compensate personnel necessary for such purpose; and to make appropriations therefor.

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ARTICLE 3. THE METROPOLITAN COUNTY COUNCIL

Sec. 3.07. No pensions for councilmen.

Members of the council shall not be eligible to receive and shall not receive any pension by reason of their service as members of said council.

Nothing in this section shall be deemed to abrogate or diminish the obligation of the metropolitan government to pay pensions to those persons who upon the effective date of this Charter are entitled to receive pensions by reason of their years of service as councilmen of the City of Nashville or who upon the expiration of the terms for which they have been elected as such councilman would become entitled to receive such pensions.

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ARTICLE 4. THE URBAN COUNCIL

ARTICLE 4. THE URBAN COUNCIL

[Sec. 4.01. Selection, term and function of the urban council.](#)

Sec. 4.01. Selection, term and function of the urban council.

The urban services district shall be and constitute a municipal corporation, with a three member urban council, whose sole function shall be a mandatory obligation to levy a property tax adequate with other available funds to finance the budget for urban services, as determined by the metropolitan council. The members of the urban council shall be those three (3) individuals elected to the metropolitan council as councilmen-at-large who receive the highest votes, who reside within the area of the urban services district, then they shall constitute the urban council; and if less than three councilmen-at-large reside in the urban services district, they shall be members of the urban council, together with other members selected by the metropolitan council from its own membership so as to constitute a three member urban council. Members of the urban council so chosen by the metropolitan council shall be members a portion of whose district lies within the area of the urban services district. The term of members of the urban council shall be co-extensive with the term of the members of the metropolitan council. Vacancies in the membership of the urban council shall be filled by the metropolitan council, which shall elect to any such vacancy one of its own members a portion of whose district lies within the area of the urban services district.

The urban council shall meet immediately following any meeting of the metropolitan council, at which an annual budget is adopted or amended, or at which the annual tax rate for the general services district is adopted or amended. The minutes for the urban council shall be kept by the metropolitan clerk.

ARTICLE 5. THE METROPOLITAN COUNTY MAYOR AND VICE MAYOR

ARTICLE 5. THE METROPOLITAN COUNTY MAYOR AND VICE MAYOR

[Sec. 5.01. Executive and administrative power; chief executive officer.](#)

[Sec. 5.02. Term; qualification; compensation.](#)

[Sec. 5.03. Power and authority of mayor.](#)

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[Sec. 5.05. Election of vice mayor; presiding officer of council.](#)

[Sec. 5.06. Limitation on terms of service.](#)

[Sec. 5.07. Pension for mayor.](#)

Sec. 5.01. Executive and administrative power; chief executive officer.

The executive and administrative power of the metropolitan government shall be vested in and exercised by a metropolitan county mayor and such other departments, boards, commissions, officers and agencies as are created or authorized in this Charter. The metropolitan county mayor, sometimes hereinafter called "mayor," shall be responsible for the conduct of the executive and administrative work of the metropolitan government and for the law enforcement within its boundaries.

Sec. 5.02. Term; qualification; compensation.

The mayor shall be elected for a term of four (4) years and until his successor is elected and qualified. He shall have attained the age of thirty (30) at the beginning of his term and shall have been a resident of the area of the metropolitan government for at least three (3) years preceding his election and shall continue to reside therein during his period of service. He shall be compensated at the rate of twenty-five thousand (\$25,000) dollars per annum, payable semimonthly.

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 5.03. Power and authority of mayor.

The mayor is authorized to administer, supervise and control all departments created by this Charter, except as otherwise specifically provided, and also all departments created by ordinance pursuant hereto. Such administration shall be by and through departmental directors under the supervision and control of the mayor.

Except as otherwise provided in this Charter, the mayor shall appoint all directors of departments, subject to limitations of civil service provided by this Charter, if any. All departmental directors not under civil service limitations appointed by the mayor shall be confirmed by the council and may be removed by the mayor as provided herein or in the creating ordinance.

The mayor shall appoint all members of boards and commissions created by this Charter or by ordinance enacted pursuant hereto, except as otherwise specifically provided, and he shall fill vacancies

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on said boards and commissions. Appointments to membership on boards and commissions shall not require confirmation by the council except as the same may be specifically required by this Charter or by ordinance creating such board or commission.

The mayor shall have and may exercise, in person or through agent, all the powers of a fiscal agent and financial officer heretofore possessed by the county judge of Davidson County, acting either under general law or private act. The mayor shall also be vested with and possess all executive powers and functions, exclusive of judicial functions, heretofore performed by the county judge under general law or private act except to the extent that such powers and functions may be vested in other officers or agencies by the provisions of this Charter; and also shall be vested with and possess all executive powers and functions hereafter vested by general law in the office of the county judge.

The mayor shall be authorized at any reasonable time to examine and inspect the books, records, and official papers of any department, board, commission, officer or agency of the metropolitan government; and to attend the meeting of any board or commission and make suggestions thereto.

The mayor is authorized to require any department, board, commission, officer or agency to submit to him written reports and information in connection with the business and affairs of the metropolitan government which the same handles or administers; and he shall, from time to time, submit reports and recommendations to the council with respect to the financial condition, other business and general welfare of the metropolitan government.

The mayor shall submit an annual budget as provided for in [article 6](#) of this Charter.

The mayor is authorized to call special meetings of the council as provided for in section 3.04 of this Charter.

Sec. 5.04. Mayor's veto power; veto of items in appropriations and budget.

The mayor is authorized to approve or to disapprove ordinances and resolutions adopted by the council and no ordinance or resolution shall become effective without his approval except as herein provided. Every ordinance or resolution adopted by the council shall be presented to the mayor for his consideration. If he approves, he shall sign the same, and it shall become effective according to the terms thereof. If he disapproves, he shall return the same to the council without his signature, which return may be accompanied by a message indicating the reasons for his disapproval. Any resolution or ordinance so disapproved shall become effective when subsequent to its return it shall be adopted by two-thirds (2/3rds) of all the members to which the council is entitled, with the ayes and noes and the names of the councilmen voting for and against the same entered on the minutes. Every resolution or ordinance shall become effective unless the same be approved or disapproved by the mayor and returned to the council at or prior to the next regular meeting of the council occurring ten (10) days or more subsequent to the date when the same was delivered to his office for consideration.

The mayor, while approving other portions of an ordinance, may reduce or disapprove the sum of money appropriated by any one or more items, or parts of items, in any ordinance appropriating money, except for debt service, employee benefits or independent audits, such power to be exercised with return of the ordinance to the council within the time prescribed for disapproval of ordinances generally, accompanied by written explanation of the reasons for disapproval or reduction. The one or more items or parts of items disapproved or reduced shall be void to the extent that they have been disapproved or reduced unless any such item or parts of items so disapproved or reduced shall be restored to the ordinance in the original amount and become effective by adoption by the council according to the rules and limitations prescribed for the passage of other ordinances over the mayor's veto.

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Sec. 5.05. Election of vice mayor; presiding officer of council.

The vice mayor shall be elected for a term of four (4) years and until his successor is elected and qualified. He shall possess the qualifications of the mayor and shall be compensated at the rate of forty-two hundred (\$4,200) dollars per annum, payable semimonthly. 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 at a special election or at a general election, as provided in [section 15.03](#) of this Charter. During the time that the vice mayor shall serve as mayor, he shall cease to act as presiding officer of the council.

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 5.06. Limitation on terms of service.

No mayor elected and qualified for two (2) consecutive four (4) year terms, in accordance with section 1.07 of the Metropolitan Charter, which limits holders of elected office authorized or created by this Charter to two (2) consecutive terms, shall be eligible for the succeeding term.

(Amended by Amdt. 4 to referendum petition approved November 7, 2006)

Sec. 5.07. Pension for mayor.

After the mayor shall have served two (2) full terms, he shall receive an annual pension equivalent to ten (10%) percent of his salary during the last year of his second term, and after he shall have served three (3) full terms (in lieu of the lesser pension) he shall receive an annual pension equivalent to twenty-five (25%) percent of his salary during the last year of his third term. The amount of this pension shall not be increased by subsequent years of service as mayor. The pension herein provided shall be suspended during any subsequent period that the mayor shall be a compensated officer or employee of the metropolitan government and, if accepted, shall be in lieu of any pension which said mayor may be entitled to receive from the metropolitan government by reason of service as an officer or employee of the City of Nashville.

Any pension which a person may be entitled to receive from the metropolitan government by reason of services as mayor of the City of Nashville shall also be suspended during the period that such person shall be a compensated officer or employee of the metropolitan government.

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5. Sheriff, as an officer of the metropolitan government, is subject to and bound by the budgetary provisions of the Metropolitan Charter. *Metropolitan Government v. Poe*, 215 Tenn. 53, 383 S.W. 2d 265 (1964).

[Sec. 6.01. Fiscal year.](#)

[Sec. 6.02. Preparation of annual operating budget.](#)

[Sec. 6.03. Scope of the annual operating budget.](#)

[Sec. 6.04. Review and revision of operating budget by mayor; submission to council; budget as public record; distribution of copies.](#)

[Sec. 6.05. Hearings by council.](#)

[Sec. 6.06. Action by council on operating budget.](#)

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[Sec. 6.15. Post audit.](#)

Sec. 6.01. Fiscal year.

The fiscal year of the metropolitan government shall begin on the first day of July of each year and shall end on the thirtieth day of June next following. Said fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, institution, activity and agency of the metropolitan government; but the aforesaid provision shall be in addition to, and not in lieu of, any accounting and reporting required of any official or agency by state or federal laws.

Sec. 6.02. Preparation of annual operating budget.

The director of finance shall obtain from all officers, departments, boards, commissions and other agencies for which appropriations are made by the metropolitan government, or which collect revenues for such government, such information as shall be necessary for him to compile the annual operating budget; and it shall be the duty of all such officers, departments, boards, commissions and agencies to furnish the director such information as he may require at such time or times and in such form as the director may prescribe.

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Not later than March 1st prior to the end of each fiscal year, said director shall distribute to each of the agencies identified in the preceding paragraph all forms necessary for the preparation of the operating budget for the succeeding fiscal year. Such forms shall be returned to the director with the information desired not later than two months prior to the end of the current fiscal year. On the basis of the information so received and otherwise secured by him, said director shall prepare and transmit to the mayor a proposed operating budget for the next fiscal year of the kind and scope set forth in [section 6.03](#) hereof. In preparing the proposed budget, the director may revise, as he may deem necessary, the estimates or requests made by the various officers, departments, boards, commissions and agencies, but any such agency shall be entitled to a hearing before the director with reference to any contemplated changes in its budget requests or estimates.

(Amended by Amdt. 5 to referendum petition approved November 7, 2006; Res. No. RS2008-404, § 1(Amdt. 1), referendum election 11-4-08)

Sec. 6.03. Scope of the annual operating budget.

Section I of the annual operating budget shall apply only to the general services district and shall deal with those services and functions appertaining to the general services district, as set out by this Charter, or by ordinance of the council.

Section II of the annual operating budget shall apply only to the urban services district and shall deal with those services and functions appertaining to such urban services district, as set out in this Charter, or by ordinance of the council.

Each of the above described sections of the annual operating budget shall contain with respect to each of the operating funds of the metropolitan government to which they are applicable:

- (a) An estimate of the unencumbered fund balance or deficit at the beginning of the ensuing fiscal year, and the amount of any reserves for designated purposes or activities includable in the operating budget.
- (b) A reasonable estimate of revenues to be received during the ensuing year, classified according to source; but the estimated revenues from current and from delinquent property taxes shall not exceed the percentage of the total receivable from each such source collected during the last completed fiscal year; or the current fiscal year.
- (c) Proposed expenditures for each organizational unit and activity in accordance with the established classification of accounts, including those capital outlays which are to be financed from the revenues of the ensuing year, and including all debt service requirements in full for such fiscal year payable from such fund.

In no event shall the total proposed expenditures from any fund exceed the total anticipated revenues plus the estimated unappropriated surplus, or fund balance, and applicable reserves and less any estimated deficit at the end of the current fiscal year.

Sec. 6.04. Review and revision of operating budget by mayor; submission to council; budget as public record; distribution of copies.

The mayor shall review the operating budget submitted to him by the director of finance, and may make any revisions in such budget as he may deem necessary or desirable, before it is submitted to the council for consideration.

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Not later than May 1st, the mayor shall submit to the metropolitan council the operating budget as approved by him in the form and with the contents specified in [section 6.03](#) hereof, together with a message explaining such budget, describing its important features, and outlining the proposed financial policies of the metropolitan government for the ensuing fiscal year and setting forth the reasons for any significant changes in policy or budgetary allocations. The mayor shall promptly cause copies of the budget and the budget message to be prepared for distribution to interested persons, and a summary of the budget shall be published in each of the daily newspapers in the area of the metropolitan government. The operating budget, as well as the capital improvements budget hereinafter provided for, the budget message, and all supporting schedules shall be public records in the office of the metropolitan clerk and shall be open to public inspection.

(Amended by Amdt. 5 to referendum petition (approved November 7, 2006; Res. No. RS2008-404, § 1(Amdt. 1), referendum election 11-4-08)

Sec. 6.05. Hearings by council.

After the council shall have passed the budget ordinance on first reading, it shall hold hearings on the proposed operating budget, as well as on the capital improvements budget as provided in [section 6.13](#) hereof, but the hearing on the capital improvements budget shall be heard prior to those on the proposed operating budget, and the hearings on either budget may be adjourned from time to time. Budget hearings shall be advertised in a daily newspaper of general circulation published in the area of the metropolitan government at least seven days prior to the date or dates set for the beginning of such public hearings.

Sec. 6.06. Action by council on operating budget.

After the conclusion of the public hearings, the council may amend the operating budget proposed by the mayor; except, that the budget as finally amended and adopted must provide for all expenditures required by law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year as certified by the director of finance. Neither shall the council alter the estimates of receipts or other fund availability included in the budget document except to correct errors and omissions, in which event a full explanation shall be spread on the minutes of the council. In no event shall the total appropriations from any fund exceed the estimated fund balance, reserves and revenues, constituting the fund availability of such fund.

The council shall finally adopt an operating budget for the ensuing fiscal year not later than the thirtieth day of June, and it shall be effective for the fiscal year beginning on the following July 1st. Such adoption shall take the form of an ordinance setting out the estimated revenues in detail by source and making appropriations according to fund and by organizational unit, purpose or activity as set out in the budget document. If the council shall fail to adopt a budget prior to the beginning of any fiscal year, it shall be conclusively presumed to have adopted the budget as submitted by the mayor.

A copy of the adopted budget, certified by the metropolitan clerk, shall be filed in the office of the director of finance.

The amount set out in the adopted operating budget for each organizational unit, purpose or activity shall constitute the annual appropriation for such item, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriation, or allotment thereof, to which it is chargeable. This shall not preclude the impoundment of funds or additional appropriations as provided herein.

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Sec. 6.07. Property tax levies.

The council shall levy an annual tax on real and personal property and merchants' ad valorem in the general services district, and the tax levy ordinance shall be the next order of business of the council after the adoption of the operating budget. The tax rate set by such ordinance shall be in two (2) parts; the general tax rate and the school tax rate.

The general tax rate set by such ordinance shall be such that a reasonable estimate of revenue from the levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated with the exception of the amount appropriated for schools and to provide in addition, a reasonable amount of working capital for each of the several funds.

The school tax rate set by the ordinance shall be such that a reasonable estimate of revenue from the levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for schools and to provide in addition, a reasonable amount of working capital.

After the council has approved the annual operating budget of the urban services district, said council shall determine and declare the amount of revenue which must be produced from a tax levy upon the real and personal property and merchants' ad valorem within the urban services district. The urban council shall thereupon convene and it shall have a mandatory obligation by resolution to levy a property tax adequate with other available funds to finance the budget for urban services, as determined by the council; subject, however, to the requirements of section 1.04 of this Charter with respect to the tax on property in the newly annexed areas.

The willingness and ability of citizens to bear the burden of tax increases should always be considered. Therefore, notwithstanding any provisions above, real property tax rates shall not exceed the maximum rates approved by the voters of the county in a referendum. Such referendum may be authorized either by the mayor or by a majority vote of the council no more than once each calendar year pursuant to Tennessee Code Annotated section 2-3-204. The referendum shall read "The maximum real property tax rates for Davidson County shall be increased to:" followed by a list of rates. Voters shall be provided the two choices of FOR and AGAINST. The real property tax rates in effect as of November 7, 2006, shall be the maximum rates allowed until the first referendum occurs.

(Amended by Amdt. 1 to referendum petition approved November 7, 2006)

Sec. 6.08. Allotments of appropriations.

All appropriations contained in the current operating budget shall be allotted by the director of finance on a quarterly basis, and it shall be his duty to make such allotments promptly at the beginning of each quarter of the fiscal year. Such allotments shall be based upon estimated needs, and in the determination of such need the director of finance may require all spending agencies to submit allotments requests on such forms as he may prescribe. Such allotments shall constitute authorizations for expenditure or encumbrance, and no expenditure shall be made or encumbrance created, but in pursuance of an allotment, and within the otherwise unencumbered balance of such allotment.

Sec. 6.09. Impoundment of funds.

Upon certification of the director of finance that the revenues or other resources actually realized with respect to any fund are less than was anticipated and are insufficient to meet the amounts appropriated

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from such fund, it shall be the duty of the mayor to impound such appropriations as may be necessary to prevent deficit operation.

Sec. 6.10. Additional appropriations.

The metropolitan council may make appropriations in addition to those contained in the current operating budget, at any regular or special meeting called for such purpose, but any such additional appropriation may be made only from an existing unappropriated surplus in the fund to which it applies.

Sec. 6.11. Transfer of appropriations.

On request of any department head, and with his consent, the mayor may transfer the unencumbered balance of any appropriation, or any portion thereof, for any purpose or activity to the appropriation for any other purpose or activity within the same department, but the same shall not be available for encumbrance or expenditure until it shall have been allotted by the director of finance.

At the request of the mayor, but only at the end of any quarter of the fiscal year, the council may by resolution approved by a majority of the membership of the council transfer the unencumbered balance of any appropriation, or any portion thereof, to another appropriation within the same section of the budget and within the same fund. However, the council shall not make transfers of appropriations at any time between the general services district and the urban services district, or transfer moneys from any operating fund to another fund. Provided, however, that this stipulation shall not apply to the discharge of obligations existing between governmental agencies financed from one fund and those financed through another fund, nor to the transfer of moneys from operating funds to agency or trust funds, covering collections to be expended through such agency or trust funds, nor to the transfer of the unappropriated surplus in bond funds to the debt service funds set up to retire such bond, nor to such other transfers between funds as may be authorized by law.

Sec. 6.12. Lapse of appropriations.

All unencumbered balances of appropriations in the current operating budget at the end of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds from which such appropriations were made.

Sec. 6.13. Capital improvements budget.

The director of finance shall obtain annually from all officers, departments, boards and commissions and other agencies requesting funds from the metropolitan government for capital improvements, such information as the planning commission shall require to enable it to prepare the capital improvements budget. This data shall be delivered to the planning commission not later than four months prior to the end of the fiscal year. The capital improvements budget shall include a program of proposed capital expenditures for the ensuing fiscal year and the next five fiscal years thereafter, accompanied by the report and recommendations of the metropolitan planning commission with respect to the program. Section I of the capital improvements budget shall present proposed general services district projects. Section II shall present proposed urban services district projects. The mayor shall submit the capital improvements budget to the council not later than May 15th and shall recommend those projects to be undertaken during the ensuing fiscal year and the method of financing them, noting the impact on the debt structure of the metropolitan government and shall include in the appropriate current operating budget any projects to be financed from current revenues for the ensuing fiscal year.

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The council shall have power to accept, with or without amendment, or reject, the proposed program and proposed means of financing. The council shall not authorize an expenditure for the construction of any building, structure, work or improvement, unless the appropriation for such project is included in its capital improvements budget, except to meet a public emergency threatening the lives, health or property of the inhabitants, when passed by two-thirds vote of the membership of the council. The capital improvements budget must be acted upon finally by the council not later than the fifteenth day of June following its submission.

The mayor may submit amendments to the capital improvements budget at any time during the year, accompanied by the recommendation thereon of the planning commission, which amendments shall become effective when adopted by a two-thirds vote of the membership of the council.

Sec. 6.14. General fund reserve.

From all original moneys collected during any year, before making a budget ordinance, there shall be deducted four (4%) percent of the gross amount of the general fund revenue of the general services district, which sum shall be placed in an account to be known as the general fund reserve and shall be kept separate and apart from other funds of the metropolitan government.

The mayor and council may by resolution make appropriations from said funds for the purchase of equipment for any department of the metropolitan government or for repairs to any building owned by any department of the metropolitan government; provided, however, that no appropriations shall be made from this fund to any department not deriving its operating funds from the general fund budget.

From all moneys collected during any year, and after making provisions for the four (4%) percent of the gross amount of the general fund revenue that shall establish the general fund reserve of the metropolitan government, there shall be next provided a sufficient amount, not to be less than fifty thousand (\$50,000) dollars, to be placed in and constituted the metropolitan government advance planning and research fund for the use of the metropolitan planning commission of the metropolitan government in the preparation, in advance, of plans for capital projects, and for the making of such studies and the doing of such research as is by the metropolitan planning commission deemed necessary in the performance of the duties and responsibilities given it by the Metropolitan Charter and general law. No expenditures shall be made from said fund except by resolution of the metropolitan planning commission, and in no case shall expenditures be made therefrom for the payment of budgetary items or matters not concerned with research and advance planning. The resolution of the metropolitan planning commission as to capital projects shall precisely define the projects concerned and amounts expended in the planning of such projects shall be provided for in the financing of construction of same and, upon the commencement of construction, the metropolitan government advance planning and research fund shall be repaid those sums and moneys expended from it in the advanced planning of such project. From all moneys collected during any year, and after the making of provision for the four (4%) percent of the gross amount of the metropolitan government's general fund revenue flowing into the general fund reserve of the metropolitan government, there shall next be provided a sufficient amount, as of the first day of each fiscal year, to bring the unencumbered balance on hand in the metropolitan government advance planning and research fund created herein to the minimum sum of fifty thousand (\$50,000) dollars.

By ordinance, the council may create a contingent reserve fund not to exceed four (4%) percent of the general fund revenue of the urban services district. The mayor and council may by resolution make appropriations from said fund for the purchase of equipment for any department of the metropolitan government or for repairs to any building owned by any department of the metropolitan government which equipment or buildings are used primarily for the furnishing of services herein defined as urban services; provided, however, that no appropriations shall be made from this fund to any department not deriving its operating funds from the general fund of the urban services district current operating budget.

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Editor's note— Section 6.14 was amended at an election held Aug. 4, 1983.

Sec. 6.15. Post audit.

The council shall provide annually for an independent audit of the accounts and other evidences of financial transactions of the metropolitan government and of its every department, office and agency. The audit shall be made by an accountant or an accounting firm, the members of which have no personal interest, direct or indirect, in the fiscal affairs of the metropolitan government or of any of its departments, offices, or agencies. The designated accountant shall be a certified public accountant, or, if an accounting firm is employed, the members thereof shall be so certified and thoroughly qualified by training and experience in governmental accounting to perform the audit.

The independent audit shall be made by a firm chosen by a three member audit board. This board shall consist of the presiding officer of the council, the chairman of the finance committee of the council, and the chairman of the metropolitan board of education.

The audit may be conducted on a quarterly or continuing basis and the final report of the annual audit shall be completed as soon as practicable after the close of the fiscal year, and in no event later than four months after the close of the fiscal year. The audit report shall be available to the public and to the press.

The council may at any time order an examination or special audit of any department, office or agency of the metropolitan government.

ARTICLE 7. BOND ISSUES

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Sec. 7.01. Bonds authorized by metropolitan council; purposes of issue.

The council may cause the bonds and other obligations of the metropolitan government to be issued in the following manner and subject to the following restrictions:

The council may in the name and for the use of the metropolitan government issue bonds or other obligations in the manner and to the extent hereinafter provided in this article. Such bonds or other obligations may be issued for the purpose of financing the whole or any part of the cost of any public improvement or property the metropolitan government is authorized by this Charter or any other law to acquire, construct, reconstruct, extend or improve. Two or more improvements or properties may be combined as a single improvement or property for the purpose of the issuance of bonds.

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Sec. 7.02. Definitions.

For the purposes of this article, the word "bonds" shall mean and include bonds or other obligations payable from ad valorem taxes or other taxes, or from revenues derived from utilities or other revenue producing enterprises or facilities, or from any other sources, or any combination thereof; the words "revenue bonds" shall mean bonds or other obligations payable in whole or in part from the revenues derived from utilities or other revenue producing enterprises or facilities; and the words "tax bonds" shall mean bonds or other obligations payable in whole or in part from ad valorem taxes. All of the provisions of this article relating to bonds shall apply to all such types of bonds, except where expressly or by necessary implication provided otherwise.

Sec. 7.03. Costs includable; bonds for furnishings and equipment.

In any issue of bonds hereunder, there may be included as part of the cost to be financed from the proceeds of such bonds all engineering, technical and legal fees or expenses, interest upon such bonds during the period of acquisition or construction and for a reasonable period thereafter, fees of fiscal or financial agents or consultants, if any, the acquisition of necessary equipment and furnishings, working funds and reserve funds, and such other items or expenses as are necessary and incidental to the completion and financing of the improvement or property and the placing of the same in operation or use. Tax bonds not to exceed the aggregate principal amount of three hundred thousand (\$300,000) dollars outstanding at any one time may be issued for the purpose of acquiring furnishings and equipment for metropolitan government purposes, and such authority to issue such bonds shall be in addition to and not in limitation of the other provisions of this Charter, and the issuance of such bonds shall not be subject to approval of the voters at any referendum.

Sec. 7.04. General tax bonds and urban tax bonds.

Tax bonds may be issued pursuant to this article for the general services district, herein sometimes referred to as "general tax bonds", or for the urban services district, herein sometimes referred to as "urban tax bonds", but the full faith and credit of the metropolitan government shall be pledged for all bonds issued hereunder which are payable in whole or in part from ad valorem taxes. Ad valorem taxes shall be levied and collected in the general services district for the payment of general tax bonds and in the urban services district for the payment of urban tax bonds; provided, however, that the metropolitan government shall be unconditionally and irrevocably obligated to levy and collect ad valorem taxes without limit as to rate or amount on all taxable property in the general services district to the full extent necessary to pay all principal of and interest on all tax bonds, both general tax bonds and urban tax bonds, and the full faith and credit of the metropolitan government shall be pledged for the payment of all tax bonds. In the event, however, that it shall ever become necessary to levy ad valorem taxes in the general services district outside the urban services district for the payment of urban tax bonds, then the amount of such taxes shall be included in the next levy of ad valorem taxes in the urban services district and restored to the tax revenues of the general services district, it being the express intention of this article that the holders of any such tax bonds shall be entitled to the levy of ad valorem taxes to the full extent necessary on all the taxable property in the general services district, but that as between the general services district and the urban services district, such ad valorem taxes shall be levied in such respective districts for the full amount of debt service on bonds issued for such respective districts.

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Sec. 7.05. When bond referendum not required; notice of issue.

No vote or approval of the qualified electors at an election shall be required for the issuance of any tax bonds hereunder if the initial resolution authorizing such tax bonds is adopted by two-thirds of the whole membership of the council, unless within twenty days after the date of the first publication of such initial resolution, with the notice set forth below, in a newspaper published and having general circulation in the area of the metropolitan government, a petition protesting the issuance of such tax bonds signed by at least six per centum of the qualified electors in the general services district in the case of general tax bonds, or in the urban services district in the case of urban tax bonds, is filed in the office of the metropolitan clerk. If a petition protesting the issuance of such tax bonds shall be filed as aforesaid within such twenty day period, then the tax bonds proposed by such initial resolution shall not be issued without the approval of a majority of the qualified electors residing in the general services district in the case of general tax bonds or in the urban services district in the case of urban tax bonds, who vote on a proposition for the issuance of such tax bonds at a regular or special election held in the manner prescribed herein. For the purposes of such election a qualified elector shall be any resident of the metropolitan government residing in the general services district in the case of general tax bonds or in the urban services district in the case of urban tax bonds, who was qualified to vote for members of the general assembly at the general election next preceding the filing of such petition or who is on the date of the filing of such petition then qualified to vote for the members of the general assembly. No qualified elector shall be permitted to withdraw his signature from such petition after signing the same. The notice to be published with said initial resolution shall be in substantially the following form:

NOTICE

The foregoing resolution has been adopted. Unless within twenty (20) days from the date of the first publication of this notice a petition signed by at least six (6%) percent of the qualified electors residing in the Services District of the Metropolitan Government of Nashville and Davidson County shall have been filed with the Clerk of the Metropolitan Government protesting the issuance of the bonds authorized in such resolution, such bonds will be issued as proposed in said resolution.

Clerk of the
Metropolitan Government

Notwithstanding any of the provisions of this article, the council may, if it desires, call an election as provided herein for the purpose of ascertaining the will of the qualified electors in the general services district or the urban services district, as the case may be, with respect to the issuance of any bonds, whether payable from ad valorem taxes or other taxes, or any other revenues, or a combination thereof.

Sec. 7.06. Referendum election after petition of protest.

If the filing of a petition protesting the issuance of any tax bonds with the metropolitan clerk shall result in the necessity of any election on the proposition to issue such tax bonds, the council upon the filing of such petition shall adopt a resolution, herein called the election resolution, which shall direct the holding of an election for the purpose of voting for or against the tax bonds proposed to be issued, said election to be conducted by the Davidson County Election Commissioners as hereinafter provided. Such election resolution shall state the purpose or purposes for which each bond issue is authorized, the amount or maximum amount of the bonds, the maximum number of years for which the bonds are to run, and the maximum rate of interest such bonds are to bear. More than one proposition may be submitted at the same election. Said election resolution shall request the Davidson County Election Commissioners to arrange for the holding of the election on the date specified in the resolution. The election shall thereupon be held, notice thereof given and the results thereof canvassed in the manner provided by the general

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laws for the holding of elections under the supervision of the election commissioners. After the council has received the official report of the outcome of the election from the election commissioners, the council shall adopt a resolution in which there shall be contained a formal finding of the outcome of the election, which finding shall be conclusive.

No approval of the qualified electors residing in either the general services district or the urban services district at any election shall be required for the issuance of any bonds unless ad valorem taxes shall be pledged for the payment of all or part of the debt service on such bonds, and the above provisions for a permissive referendum on petition shall not apply to other bonds.

Sec. 7.07. Issuance of bonds under general law.

Bonds may be issued under this article for either the general services district or the urban services district pursuant to any general law of the State of Tennessee now or hereafter in effect and applicable to counties or cities or metropolitan governments in the State of Tennessee, and it is hereby expressly provided that the metropolitan government may issue bonds under the provisions of all such general laws without regard to any limitations or restrictions contained in this Charter. No proceeding for the issuance of such bonds shall be required other than those required by the general law under which such bonds are authorized and no provision of any resolution, ordinance or notice, and no election or opportunity for referendum shall be required except as may be specifically required by the provisions of such general law.

Sec. 7.08. Limitations on urban bonds.

No urban tax bonds shall be issued pursuant to this article which shall cause the total net bonded indebtedness payable from ad valorem taxes incurred for the urban services district (including all tax bonds theretofore issued for the urban services district and then outstanding, and the amount of any tax bonds theretofore issued by the City of Nashville and then outstanding which are allocated to the urban services district by this article), after deduction of all sinking funds on hand for the payment of principal, to exceed fifteen (15%) percent of the assessed valuation of taxable property in the urban services district as last completed and determined prior to the issuance of such tax bonds. In computing the bonded indebtedness incurred for the urban services district for the purpose of this paragraph there shall be excluded:

- (a) All urban bonds issued in anticipation of the collection of special assessments whether or not such urban bonds are also payable from ad valorem taxes.
- (b) All revenue bonds issued for the urban services district or any part thereof which are payable solely from the revenues derived from the operation of any utility or other revenue producing enterprise or facility.
- (c) All urban bonds payable from both ad valorem taxes and revenues derived from the operation of any utility or other revenue producing enterprise or facility, to the extent that such utility or other revenue producing enterprise or facility was self-liquidating during the immediately preceding fiscal year, in that the revenues derived therefrom, after deducting all current expenses of operation and maintenance, were sufficient to pay all principal of and interest on such bonds due in such fiscal year; or if such utility or other revenue producing enterprise or facility was not fully self-liquidating in such fiscal year, then a part of such bonds shall be excluded, which part shall be the same proportion of the total amount of such bonds which the amount of net revenues derived from such utility or revenue producing enterprise or facility in such fiscal year bears to the amount of net revenues which would have been required to make such utility or revenue producing enterprise or facility fully selfliquidating in such fiscal year.

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- (d) Urban bonds issued under the authority of any general law of the State of Tennessee as distinguished from urban bonds issued under sole authority of this article.
- (e) Urban bonds not exceeding two hundred thousand (\$200,000) dollars in any year, issued to provide funds to repair or to replace any public building, work or structure rendered unsuitable for use by disaster when determined by the council to be essential to the public health, safety or convenience.
- (f) Urban tax bonds in the aggregate principal amount of three hundred thousand (\$300,000) dollars issued for the purpose of acquiring furnishings and equipment for metropolitan government purposes.

No approval of qualified electors at an election shall be required for the issuance of any of the bonds referred to in subparagraphs (a) to (f) above, and the referendum upon petition provisions of this article shall not apply to such bonds.

Sec. 7.09. Amount and purpose; obligations; form issuance.

- (a) The metropolitan government may issue its bonds or notes in such principal amounts as it shall deem necessary for any of its purposes.
- (b) The bonds or notes shall be payable and secured by such source or sources of payment as set forth in the resolution of the council authorizing the issuance of such bonds or notes.
- (c) Bonds or notes of the metropolitan government shall be authorized by resolution of the council and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates of interest per annum within such maximum rate as shall be mandated by general law applicable to the metropolitan government, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, be secured and have such rank or priority, be sold and executed in such manner, be payable from such sources in such medium of payment at such place or places within or without the state, and be subject to such terms of redemption, with or without premium, as the resolution provides.

Editor's note—Former § 7.09 was deleted and a new § 7.09 was substituted at an election held Aug. 4, 1983.

Sec. 7.10. Metropolitan bonds negotiable and tax exempt.

All bonds of the metropolitan government shall be and constitute and have all the qualities and incidents of negotiable instruments under the law merchant and the negotiable instruments law of the State of Tennessee, regardless of the source or sources of payment of such bonds. No bonds issued hereunder shall be invalid for any irregularity or defect in the proceedings for the issuance and sale thereof, and all such bonds, upon the delivery thereof and payment therefor, or exchange in the case of refunding bonds, shall be conclusively deemed to be the valid and legally binding obligations of the metropolitan government in accordance with the terms thereof, and shall be incontestable in the hands of the purchasers or holders from time to time thereof.

All bonds of the metropolitan government, and the interest thereon, and all properties, revenues and other assets of any utility or other revenue producing enterprise or facility of the metropolitan government shall be exempt from all taxation by the State of Tennessee, or any county, municipality, political subdivision or taxing agency thereof, except for inheritance, transfer and estate taxes.

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Sec. 7.11. Refunding bonds.

Bonds may be issued hereunder for the purpose of refunding not more than a like principal amount of any outstanding bonds of the metropolitan government, including any bonds heretofore issued by the County of Davidson or the City of Nashville. Such refunding bonds may be issued without regard to the amount of bonded indebtedness of the metropolitan government, either for general bonds or urban bonds, and without the necessity of the approval of the qualified electors or the holding of any election, and shall not be subject to the referendum on petition provisions of this article. Where the bonds to be refunded have become due, or become due or are called for redemption not more than six months after the delivery of the refunding bonds, the refunding bonds may be delivered and the proceeds thereof escrowed with the fiscal agent of the metropolitan government for the payment of the bonds to be refunded in such manner as the council may prescribe.

Sec. 7.12. Sale.

All bonds issued under this article, except revenue, refunding and special tax bonds, shall be sold by the council at public sale to the highest responsible bidder, after such advertisement as may be prescribed by the council.

Editor's note— Section 7.12 was amended at an election held Aug. 4, 1983.

Sec. 7.13. Temporary financing.

The council may provide for temporary financing of any improvement or property by the issuance of bond anticipation notes in anticipation of the sale of bonds which have been duly authorized hereunder or under any other law, but all such bond anticipation notes, including any renewals thereof, shall finally mature not later than three years from the date of the original notes. All such bond anticipation notes shall have the same security as the bonds in anticipation of which such notes are issued. The council may also provide for the issuance of interim certificates or temporary bonds pending the delivery bonds which have been duly awarded and sold. The council shall prescribe the dates of issue and maturity, form and all other details of such bond anticipation notes, interim certificates or temporary bonds. The council may also provide that short term financing be done with competitive bidding on the open market.

Sec. 7.14. Bonds issued by resolution of council; notice of right to contest.

All bonds issued under this article shall be authorized by resolution or resolutions adopted by a majority vote of all the members of the council, at any properly convened regular, adjourned or special meeting, which may be the same meeting at which they are introduced. No publication of any resolution, proceeding or notice shall be necessary, except as specifically required by this article.

The council in the resolution authorizing any bonds may provide that after the adoption of such resolution there shall be published in a newspaper published and having general circulation in the area of the metropolitan government, a notice in substantially the following form:

NOTICE

On, 19. . . , the Metropolitan Council of the Metropolitan Government of Nashville and Davidson County adopted a resolution authorizing the issuance of \$. bonds for the purpose of., a copy of which said resolution is on file in the office of the Metropolitan Clerk and open to inspection by any voter or citizen residing in the area of the Metropolitan Government.

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For a period of twenty (20) days following the date of the first publication of this notice, any taxpayer or other interested person may file an appropriate suit or proceeding questioning the validity of the bonds proposed to be issued or the legality of the proceedings had in the authorization of such bonds. After the expiration of said twenty days, no one shall have any cause or right of action to contest in any court the legality of said bonds or proceedings or the power and obligation of the Metropolitan Government to pay said bonds from the taxes or other revenues provided in such proceedings or bonds.

Metropolitan Clerk

In the case of tax bonds, however, such notice shall not be published until after the expiration of the period for the filing of a petition for a referendum, or, if such petition shall be filed, then not until after the approval of such bonds at such referendum.

If, pursuant to direction of the council, such notice is published, no one shall have any cause or right of action after the expiration of said twenty-day period, to contest the legality, formality or regularity of such bonds or proceedings in any court for any cause whatsoever, and the authority to issue such bonds, the legality thereof and the legality of the taxes or other revenues pledged to pay the same, shall be conclusively presumed, and no court shall have any jurisdiction or authority to inquire into such matters.

Sec. 7.15. Bond proceeds constitute trust fund.

The proceeds of the sale of bonds issued under the provisions of this article shall constitute a trust fund, and each issue shall be accounted for separate and apart, to be used exclusively for the purpose or purposes for which said bonds are authorized; but the purchaser of such bonds shall be under no obligation or responsibility to see to the application thereof, and the manner of an application of such proceeds shall in no way affect the rights, remedies or security and sources for payment of the holders of such bonds.

Sec. 7.16. Unissued bonds of county or city.

Any bonds duly authorized but unissued by the County of Davidson or the City of Nashville at the effective date of this Charter⁶ may be issued in the name of and sold by the metropolitan government in accordance with the provisions of the statutes and resolutions under which such bonds were authorized in the same manner and with like effect as though this Charter had not been enacted, it being the intent hereof that the enactment of this Charter shall in no way affect or impair the right of the metropolitan government to complete the sale and issuance of such bonds.

6. April 1, 1963.

Sec. 7.17. Revenue bonds.

In addition to revenue bonds authorized to be issued by any other provision of this Charter or by the provisions of any general law of the State of Tennessee, the council shall have power to authorize the issuance of revenue bonds to finance all or part of the cost of any utility or other revenue producing enterprise or facility, where such revenue bonds are to be payable in whole or in part from the revenues of such utility or other revenue producing enterprise or facility, and to pledge all or any part of such revenues for the payment of such revenue bonds. All of the applicable provisions of this article shall be complied with in the issuance of such revenue bonds. The council may in the proceedings authorizing the issuance of such revenue bonds make and enter into valid and binding covenants with the holders of such revenue bonds including, but not limited to, the appointment of trustees to hold and secure the

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proceeds of such revenue bonds and such revenues and the application thereof, the fixing and revision of the fees, rates or other charges for the services and facilities of such utility or other revenue producing enterprise or facility, including reasonable margins of safety, the creation and maintenance of reserve funds, sinking funds and depreciation funds, the appointment of a receiver in case of defaults in payment of debt service or performance of such covenants and such other covenants as are deemed necessary and advisable for the marketability of such revenue bonds and the security of the holders thereof.

Sec. 7.18. Combined tax and revenue bonds.

The council may also issue combined tax and revenue bonds if deemed advisable, or pledge any other security permitted by law to the payment of such revenue bonds in addition to such revenues from such utility or other revenue producing enterprise or facility; provided, however, that if ad valorem taxes are pledged for the payment of all or any part of bonds for which such revenues are also pledged, the provision for a referendum on petition on issuance of tax bonds provided herein shall apply to such revenue bonds for which ad valorem taxes are also pledged.

Sec. 7.19. Refunding revenue bonds.

The council shall also have power to issue refunding revenue bonds to refund any revenue bonds theretofore issued, including any revenue bonds theretofore issued by the County of Davidson or the City of Nashville, or to issue refunding and improvement revenue bonds for the combined purpose of refunding outstanding revenue bonds and to finance additions, extensions and improvements to such utility or other revenue producing enterprise or facility, and all of the applicable provisions of this article shall be complied with in the issuance of said refunding revenue bonds or combined refunding and improvement revenue bonds.

Sec. 7.20. Debt service funds.

There shall be a general services district debt service fund and an urban services district debt service fund for the amortization of general bonds and urban bonds respectively, including bonds issued prior to the effective date of this Charter by the County of Davidson and the City of Nashville which have been allocated to such districts under the provisions of this article. Such debt service funds shall consist of the cash and securities in the debt service funds for bonds issued by the County of Davidson and the City of Nashville prior to the effective date of this Charter and such funds hereinafter required to be paid into such funds and the interest earned on the investment thereof. The debt service funds for the bonds heretofore issued by the County of Davidson and the City of Nashville shall be transferred to the debt service fund of the district to which such bonds are allocated by this article. Nothing contained herein, however, shall affect any debt service funds for any revenue bonds or other bonds which are required by the proceedings which authorized any bonds to be maintained as separate and segregated debt service funds for such bonds, and such sinking funds shall be transferred to the metropolitan government and segregated and maintained in the manner provided in the proceedings which authorized the issuance of such bonds.

All such debt service funds may be invested only in bonds which are full faith and credit general obligations of the metropolitan government, the State of Tennessee, the County of Davidson, the City of Nashville, the United States of America, or in such securities as may be provided in the proceedings which authorized such bonds.

There shall be included in the annual tax levy ordinances for the general services district and the urban services district, over and above all other taxes assessed therein, a sum sufficient to meet the

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interest and redemption charges on all tax bonds due or to be paid in the ensuing year and issued for or allocated to such districts respectively, together with a sum sufficient to reimburse the general fund for any appropriation made or to be made therefrom for the payment of any such interest or redemption charges.

All moneys paid into any debt service fund shall be used exclusively for the purchase, retirement or payment of the outstanding bonds for which such debt service funds are created and maintained, and the metropolitan treasurer shall keep a record of all receipts and disbursements of the debt service funds and shall report the same to the mayor and council quarterly in each fiscal year.

Should any levy for debt service fund purposes, except in the case of bonds payable solely from revenues, fail for any reason whatsoever to provide sufficient funds to meet the redemption and interest charges for bonds in any year, sufficient amounts shall be paid from either the general fund of the general services district or the urban services district for such redemption and interest charges, subject to reimbursement from subsequent levies in the general services district or the urban services district, as the case may be.

If either the general services district debt service fund or the urban services district debt service fund shall accumulate a surplus sufficient to retire bonds callable and chargeable to such funds, the metropolitan treasurer, with the approval by resolution of the mayor and council, may purchase any of such bonds at a price not exceeding the redemption price thereof on the next ensuing redemption date or may call for prior redemption any of such bonds on the next ensuing redemption date in the manner provided in the proceedings which authorized the issuance of such bonds.

The metropolitan treasurer shall deduct monthly, or cause to be deducted monthly, the amounts realized from the inclusion in the annual tax levy ordinances of the general services district and the urban services district of the necessary sums in conformity with the subject to the above debt service fund provisions and shall deposit, or cause to be deposited, the same in the metropolitan government depositories to the credit of the appropriate district debt service fund accounts, which funds shall be kept separate and apart from all other funds of the metropolitan government.

All bonds issued prior to the effective date of this Charter by the County of Davidson, and all bonds authorized but unissued by the County of Davidson at the effective date of this Charter and thereafter issued by the metropolitan government, shall be allocated to the general services district and the principal of and interest on such bonds shall be paid from ad valorem taxes or other revenues collected in the general services district.

All bonds issued prior to the filing date of this Charter by the City of Nashville, except for the bonds described in the next paragraph, shall be allocated to the general services district and the principal of and interest on such bonds shall be paid from ad valorem taxes or other revenues collected in the general services district, and it is hereby found and determined that all such bonds were issued to finance all or part of the cost of improvements or properties which render or will render services or benefits to all or substantially all the inhabitants of the general services district. All debt service funds for such bonds shall be transferred to the general services district debt service fund.

The following described bonds issued prior to the filing date of this Charter by the City of Nashville shall be allocated to the urban services district and the principal of and interest on such bonds shall be paid from ad valorem taxes or other revenue collected in the urban services district:

CITY OF NASHVILLE BONDS—URBAN SERVICES DISTRICT

Fire Department

Original	Final	Principal
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Date of Issue	Maturity	Title of Issue	Outstanding June 30, 1962
12-4-33	12-1-63	Fire Hall Improvement Bonds of 1933	\$ 10,000
6-15-57	6-15-57	Fire Department Improvement Bonds of 1957	85,000
6-15-60	6-15-90	Fire Department Construction, Improvement and Equipment Bonds of 1960	985,000

		Total	1,080,000
		Street, Alley and Sewer	
6-1-45	6-1-74	Street, Alley and Sewer Bonds of 1945-A	795,000
6-1-45	6-1-74	Street, Alley and Sewer Bonds of 1945-B	795,000
6-1-48	6-1-78	Street, Alley and Sewer Bonds of 1948-A	795,000
6-1-48	6-1-78	Street, Alley and Sewer Bonds of 1948-B	795,000
6-1-48	6-1-78	Street, Alley and Sewer Bonds of 1948-C	795,000
6-1-48	6-1-78	Street, Alley and Sewer Bonds of 1948-D	795,000

		Total	3,411,000
		Sewers	
4-1-26	4-1-66	Sanitary Sewer Bonds of 1925 Series A	44,000

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11-1-27	11-1-67	Sanitary Sewer Bonds of 1925 Series B	65,000
11-1-28	11-1-68	Sanitary Sewer Bonds of 1925 Series C	108,000
8-1-29	8-1-69	Lateral Sanitary Sewer Bonds of 1929	77,000
12-4-33	12-1-63	Sewer Extension Bonds of 1933	33,000
9-1-47	9-1-77	Sewer Bonds of 1947	260,000
5-1-53	5-1-93	Sewer Bonds of 1953	420,000
3-1-54	3-1-64	Sewer Construction and Improvement Bonds of 1954	20,000
11-1-54	11-1-85	Sewer Bonds of 1954	770,000
5-1-56	5-1-86	Sanitary Sewer Bonds of 1956	750,000
7-1-58	7-1-78	Airport Sewer Construction Bonds of 1958	220,000
7-1-58	7-1-88	Sanitary Sewer Bonds of 1958	960,000
6-15-60	6-15-90	Sewer and Utility Relocation and Land Acquisition Bonds of 1960	485,000
6-15-61	6-15-00	Sewer Bonds of 1961	5,500,000
			—
		Total	9,709,000
		Capitol Hill	
9-1-50	9-1-90	Capitol Hill Improvement Bonds of 1950	775,000
9-1-55	9-1-95	Capitol Hill Improvement Bonds of 1955	2,050,000

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		Total	2,825,000
		Waterworks	
8-1-29	8-1-69	Water Extension Bonds of 1929	61,000
12-4-33	12-1-63	Waterworks Extension Bonds of 1933	20,000
6-1-45	6-1-74	Waterworks Bonds of 1945-A	135,000
6-1-45	6-1-74	Waterworks Bonds of 1945-B	135,000
4-1-48	4-1-68	Waterworks Bonds of 1948	70,000
12-1-48	12-1-88	Waterworks Bonds of 1948-A	1,525,000
12-1-48	12-1-88	Waterworks Bonds of 1948-B	1,525,000
1-1-52	1-1-92	Combined Water and Sewer Bonds of 1952	920,000

		Total	4,391,000
		Miscellaneous	
5-1-24	5-1-64	T. C. Railroad Refunding Bonds of 1924	64,000
4-1-42	4-1-64	Public Improvement Repair and Replacement Bonds of 1942	20,000
6-15-57	6-15-77	Garbage Collection and Disposal System Bonds of 1957	107,000
6-15-57	6-15-77	Equipment and Improvements Bonds of 1957	130,000

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1-15-60	1-15-90	Urban Renewal Bonds of 1960 Series A-1	1,375,000
1-15-60	1-15-90	Urban Renewal Bonds of 1960 Series A-2	950,000

		Total	2,646,000
		Grand Total	\$24,062,000

Any bonds issued by the City of Nashville after the filing date of this Charter and before the effective date of this charter, and any bonds authorized but unissued by the City of Nashville at the effective date of this Charter and thereafter issued by the metropolitan government, shall be allocated either to the general services district or the urban services district in such manner and amounts as the council shall determine, consistent with the allocation of functions between the general and the urban services districts, and the principal of and interest on such bonds shall be paid from ad valorem taxes or other revenues collected in the district so determined by the council.

Any revenue bonds issued prior to the effective date of this Charter by the County of Davidson or the City of Nashville, and any revenue bonds authorized but unissued by said county or said city at the effective date of this Charter and thereafter by the metropolitan government, shall be payable as to principal and interest from the revenues or other sources and in the manner provided in the proceedings which authorized the issuance of such revenue bonds.

Neither the allocation of bonds to the general services district or the urban services district nor any of the other provisions of this charter shall impair or diminish any of the rights, remedies or security and sources for payment of any of such bonds or revenue bonds issued by the County of Davidson or the City of Nashville prior to the effective date of this Charter, or authorized but unissued by the County of Davidson or the City of Nashville at the effective date of this Charter and thereafter issued by the metropolitan government, and such holders of such bonds or revenue bonds shall have and be entitled to enforce any and all rights, remedies and security and sources for payment granted such holders by the proceedings which authorized the issuance of such bonds or revenue bonds as fully and to the same extent as if this Charter had not been adopted.

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ARTICLE 8. METROPOLITAN DEPARTMENTS

ARTICLE 8. METROPOLITAN DEPARTMENTS

CHAPTER 1. DEPARTMENT OF METROPOLITAN FINANCE

CHAPTER 1. DEPARTMENT OF METROPOLITAN FINANCE

[Sec. 8.101. Created; functions.](#)

[Sec. 8.102. Director of finance—Qualifications, appointment and compensation.](#)

[Sec. 8.103. Same—Powers and duties.](#)

[Sec. 8.104. Division of budgets created; functions of budget officer.](#)

[Sec. 8.105. Division of accounts created; duties of chief accountant.](#)

[Sec. 8.106. Division of treasury created; duties of metropolitan treasurer.](#)

[Sec. 8.107. Division of collections created; duties of collections officer.](#)

[Sec. 8.108. Division of purchases created; appointment and qualification of purchasing agent.](#)

[Sec. 8.109. Function of division of purchases.7](#)

[Sec. 8.110. Powers and duties of purchasing agent.](#)

[Sec. 8.111. Competitive bidding for purchases or sales.](#)

[Sec. 8.112. Division of public property administration.](#)

Sec. 8.101. Created; functions.

There shall be a department of metropolitan finance, which shall consist of the director thereof, of other personnel hereinafter mentioned and of such other positions and employees as may be provided by ordinance or by regulations of the director consistent with ordinance. The department of finance shall administer the financial affairs of the metropolitan government in accordance with the provisions of this Charter and applicable ordinances.

Sec. 8.102. Director of finance—Qualifications, appointment and compensation.

The director of finance shall have proven administrative ability and a well founded reputation in public finance, or a record of exceptional performance for at least five (5) years as a comptroller or financial head of a large business. The mayor shall appoint the director of finance subject to confirmation by a majority of the whole membership of the council. He shall serve at the pleasure of the mayor making the appointment and until his successor is qualified. The director's salary shall be fifteen thousand (\$15,000) dollars per annum, payable semimonthly.

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 8.103. Same—Powers and duties.

The director of finance shall be responsible to the mayor for the administration of the financial affairs of the metropolitan government, and to that end shall supervise the division of budgets, the division of

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CHAPTER 1. DEPARTMENT OF METROPOLITAN FINANCE

accounts, the division of collections, the division of treasury, the division of purchases, and such other units as may be established by ordinance.

The director of finance or his designated divisional director shall:

- (a) Compile for the mayor the current budget of estimated revenues and proposed expenditures for each of the operating funds of the metropolitan government; and assist in the preparation of the capital improvements budget, as provided by [section 6.13](#) of this Charter.
- (b) Maintain accounting systems for the general services district and the urban services district of the metropolitan government, and for each department, office and agency thereof, in accordance with generally recognized governmental accounting principles and procedures, keeping accounting records for and exercising financial and budgeting control over such department, office or agency.
- (c) Prescribe the accounts to be kept by all departments, offices and agencies of the metropolitan government, the form of receipts, vouchers, bills or claims, warrants, requisitions, purchase orders or any financial stationery to be used, and provide suitable instructions for the use thereof, and to review and approve the forms and procedures of the trustee and the tax assessor.
- (d) Prescribe the times and the manner in which moneys received by any department, office or agency shall either be paid to the metropolitan treasurer or deposited in a bank account to the credit of the metropolitan government.
- (e) Examine all contracts, purchase orders and other documents which would result in or involve financial obligations against the metropolitan government, and approve the same only upon ascertaining that there is an unexpended, unencumbered and unimpounded balance in each such appropriation and allotment to which they are applicable, sufficient to cover such potential obligation.
- (f) Audit before payment all bills, invoices, payrolls and other claims, demands or charges against the metropolitan government and approve the same only if proper, legal and correct, and duly authorized by appropriations or allotments of appropriations.
- (g) Periodically inspect and audit the accounts and records of financial transactions maintained in each department, office and agency of the metropolitan government.
- (h) Submit a monthly financial report to the mayor, for presentation to the council, showing the financial condition of the various funds of the metropolitan government, as well as the condition of all items included in the adopted annual operating budget, including estimated revenues, revenues received, appropriations and allotments for such appropriations.
- (i) Prepare a complete annual report of the financial activities of all funds and all departments, boards, commissions, and agencies of the metropolitan government.
- (j) Subject to the approval of the mayor, instruct the treasurer to invest the moneys of any fund in securities of the metropolitan, state or federal government and/or place them on interest bearing deposit in a bank or banks where it is anticipated that the funds will not be needed for a period of ninety days or more.
- (k) With the assistance of the department of law and the metropolitan planning commission, establish standard procedures for acquiring and disposing of land for metropolitan departments, boards and commissions, exclusive of land acquisition for the Nashville Electric Service and the Nashville Housing Authority.
- (l) Maintain an inventory of public property and equipment.

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- (m) Provide for a central records retention program.
- (n) Perform such other duties as may be assigned by this Charter or by ordinance.
- (o) Provide the vice mayor, with the approval of a majority of the whole membership of the council, with access to any financial information in the possession of the department of finance.

Editor's note—The addition of subsection (o) to this section was approved at an election held Aug. 4, 1983.

Sec. 8.104. Division of budgets created; functions of budget officer.

There shall be in the department of finance a division of budgets, which shall consist of the budget officer and such other officers and employees, organized into such units, as may be provided by ordinance or by the director of finance consistent with ordinance. The budget officer shall be appointed for a indefinite term by the mayor, subject to the civil service provisions of this Charter, and he shall be the head of the division of budgets. The budget officer shall have at least five (5) years' experience in which budget preparation, administration, and/or accounting systems shall have been his major responsibility. The budget officer's salary shall be twelve thousand (\$12,000) dollars per annum, payable semimonthly. The budget officer shall compile, under the supervision of the director of finance, the departmental estimates and other data necessary or useful to the mayor and the director of finance, and assist in the preparation of the budgets. He shall examine from time to time the departments, boards, commissions, officers and agencies of the metropolitan government in relation to their organization, personnel and other requirements; ascertain the manner in which their respective budgets are carried out and their functions performed; call the attention of the department heads and the mayor to any improvements or economies which might be made in their administrative practices and cooperate with the heads thereof in the preparation of their budget estimates for the ensuing fiscal year.

He shall carry on a continuous research program in systems and methods so as to keep current in all phases of data processing, business methods and the like; and make recommendations from time to time to the director of finance for utilizing to advantage the newest equipment and methods. The budget officer, with the advice and assistance of the chief accountant, shall write, revise and maintain a proper standard procedure instruction manual to be followed by all officers, departments, boards and other agencies of the government to insure uniform accounting and budgetary procedures.

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 8.105. Division of accounts created; duties of chief accountant.

There shall be in the department of finance a division of accounts, which shall consist of the chief accountant and such other officers and employees, organized into such units, as may be provided by ordinance or by the director of finance consistent with ordinance. The chief accountant shall be appointed for an indefinite term by the mayor, subject to the civil service provisions of this Charter, and he shall be the head of the division of accounts. The chief accountant shall have at least five (5) years of responsible supervisory experience in general accounting and/or internal auditing. The chief accountant's salary shall be twelve thousand (\$12,000) dollars per annum, payable semimonthly. The chief accountant shall maintain (1) a general accounting system and such cost accounting records as shall be required by the director of finance, and (2) budgetary control records designed to prevent expenditures in excess of appropriations or allotments. He shall prepare disbursement warrants and conduct a thorough preaudit to

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all claims on all funds, including payrolls, before payment and shall maintain a current audit control over cash receipts. The chief accountant shall perform such other duties as may be assigned him by ordinance or by the director of finance.

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 8.106. Division of treasury created; duties of metropolitan treasurer.

There shall be in the department of finance a division of treasury, which shall consist of the metropolitan treasurer and such other officers and employees as may be provided by ordinance or by the director of finance consistent with ordinance. The metropolitan treasurer shall be appointed for an indefinite term by the mayor, subject to the civil service provisions of this Charter, and he shall be the head of the division of treasury. The metropolitan treasurer shall have at least five (5) years' experience in which the supervision of fiscal affairs or treasury management shall have been his major responsibility. The metropolitan treasurer's salary shall be twelve thousand (\$12,000) dollars per annum, payable semimonthly. The metropolitan treasurer shall supervise and be responsible for the custody and disbursement of all funds belonging to the metropolitan government and all funds handled by metropolitan government officers as agents or trustees except as otherwise provided in this Charter or by ordinance or general law not inconsistent with this Charter. He shall pay moneys out of the treasury only by checks which have been approved by the division of accounts.

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 8.107. Division of collections created; duties of collections officer.

There shall be in the department of finance a division of collections, which shall consist of the collections officer and such other officers and employees, organized into such units, as may be provided by ordinance or by the director of finance consistent with ordinance. The collections officer shall be appointed for an indefinite term by the mayor, subject to the civil service provision of this Charter, and he shall be the head of the division of collections. The collections officer shall have at least five (5) years' experience in which the supervision of financial activities shall have been his major responsibility. The collections officer's salary shall be twelve thousand (\$12,000) dollars per annum, payable semimonthly. It shall be the duty of the collections officer to collect and receive delinquent real and personal property taxes or tax equivalents and all merchants' ad valorem taxes that have been delinquent for more than six (6) months as well as any interest and penalties thereon. The collections officer shall collect and receive all revenues, income and moneys due the metropolitan government accruing to the urban services district, the general services district, or any other source, except as otherwise provided for by other parts of this Charter, by ordinance, or by the general law.

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

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Sec. 8.108. Division of purchases created; appointment and qualification of purchasing agent.

There shall be in the department of finance a division of purchases, which shall consist of the purchasing agent and such other officers and employees, organized into such units, as may be provided by ordinance or by the director consistent with ordinance. The purchasing agent shall be appointed for an indefinite term by the mayor, subject to the civil service provisions of this Charter. The purchasing agent's salary shall be twelve thousand (\$12,000) dollars per annum, payable semimonthly. He shall be a person with at least five (5) years experience in private business or governmental purchases and property management, control and accountability. The purchasing agent shall have the responsibility of the general management and control of the division and shall have the power to make rules and regulations for the administration of the division subject to the approval of the director of finance.

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 8.109. Function of division of purchases.⁷

Except as provided in this section, the division of purchases shall purchase, or obtain by lease or rental, for the use of the metropolitan government and its departments, boards, commissions, officers and agencies all necessary and appropriate supplies, materials, equipment, other personal property, contractual services, insurance and surety bonds. The council may establish by ordinance rules and regulations, defining emergencies, under which designated items, including perishables, may be purchased or obtained without compliance with purchasing procedures established in this chapter. The electric power board, the Nashville Housing authority, the board of education and such other agencies as may be specified by ordinance shall be excluded from the purchasing procedures established in this chapter, except to the extent otherwise herein specifically provided.

7. Sheriff, as an officer of the metropolitan government, is subject to and bound by the purchasing provisions of the Metropolitan Charter. *Metropolitan Government v. Poe*, 215 Tenn. 53, 383 S.W. 2d 265 (1964).

Sec. 8.110. Powers and duties of purchasing agent.

The purchasing agent, for the purpose of giving effect to the provisions of the preceding section, shall have the following powers and duties:

- (a) With the approval of the director of finance and the mayor, and after consultation with the heads of the using agencies concerned, to establish and enforce standard specification for all supplies, materials and equipment required by the metropolitan government which the purchasing agent has authority to purchase or lease.
- (b) To prescribe the time of making requisitions for such supplies, materials and equipment and the future period which such requisitions are to cover.
- (c) To inspect, or cause to be inspected, all deliveries of such supplies, materials and equipment, and to cause tests to be made when necessary in order to determine their quality, quantity and conformance with specifications.

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- (d) To supervise and control storerooms, mailing, messenger, central duplicating and printing services and facilities provided for the various agencies of the metropolitan government as provided by ordinance.
- (e) To transfer to or between using agencies, with the approval of public property director, sell or trade in supplies, materials or equipment determined by him, after consultation with the heads of the using departments or agencies concerned, to be surplus obsolete or unused.
- (f) To perform such duties with regard to the letting of contracts for public works or improvements as are provided in this Charter, and to have such other powers and to perform such other duties as may be provided by ordinance.
- (g) To submit a monthly report of his activities to the director of finance. The director of finance may assign the functions set forth in subsections (c), (d) and (e) of this section to some other division in his department.

Sec. 8.111. Competitive bidding for purchases or sales.

Before making any purchase or contract requiring expenditure of a sum in excess of one thousand dollars (\$1,000), the purchasing agent shall take competitive bids, pursuant to Tennessee Code Annotated, Section 7-3-306, as the same may be amended, and under such rules and regulations as may be established by ordinance. Before making a sale the purchasing agent shall require competitive bids. The making of all other purchases or contracts by the purchasing agent shall be under such conditions, rules and regulations as may be prescribed by ordinance. The purchasing agent may reject any and all bids received for purchases or sales.

Editor's note—The first sentence of § 8.111 was amended by referendum election held November 5, 1996.

Sec. 8.112. Division of public property administration.

There shall be in the department of finance a division of public property administration, which shall consist of the director of public property and such other officers and employees, organized into such units as may be provided by ordinance or by the director consistent with ordinance. The director of public property administration shall be appointed for an indefinite term by the mayor, subject to the civil service provisions of this Charter. The director of public property administration shall administer the duties of the department of finance arising from [section 8.103](#) (k) and (l) of this Charter and shall perform such other duties as may be assigned by the director of finance or by ordinance.

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[Sec. 8.113. Division of tax assessment created; metropolitan tax assessor.](#)

[Sec. 8.114. Compensation, surety bond, oath of office and assistants of tax assessor.](#)

[Sec. 8.115. Vacancies in office of tax assessor.](#)

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[Sec. 8.119. Appointment of deputies of metropolitan trustee and county court clerk.](#)

[Sec. 8.120. Date taxes payable; interest and penalty for delinquency.](#)

[Sec. 8.121. Division of metropolitan audit.](#)

Sec. 8.113. Division of tax assessment created; metropolitan tax assessor.

There shall be, as an independent agency of the metropolitan government, a division of tax assessment, the head of which is designated as the metropolitan tax assessor. The county tax assessor, elected for a term of four (4) years and provided for by general law in Tennessee Code Annotated, sections 67-1-502 to 67-1-505, inclusive, shall be the metropolitan tax assessor. He shall have the same powers, duties and liabilities with respect to assessment of properties in the area of the metropolitan government as by general law and private act are possessed by or imposed upon county and municipal tax assessors, except as herein provided in this Charter. In ascertaining the value of property, the tax assessor shall give particular consideration to the extent to which availability or nonavailability of sewers and other governmental services affects the actual cash value of the property. The metropolitan tax assessor shall make merchants' ad valorem assessments⁸ in and for both the general services district and the urban services district. The assessments made by him shall be the assessments to which the tax levy by the council for the general services district shall apply and to which the tax levy by the urban council for the urban services district shall apply. The assessor may assess all property annually and he shall separately total the assessments in the urban services district and the general services district.

(Res. No. 88-526, § 6, 10-4-88)

8. Assignment by this Charter of duty of assessing merchants' ad valorem taxes to metropolitan tax assessor is a valid exercise of power under T.C.A., § 7-1-101 et seq., and is not an unconstitutional reduction of powers of county clerk. While office of county clerk is created by Constitution, his powers are established, and may be changed, pursuant to general law. *Winter v. Allen*, 212 Tenn. 84, 367 S.W. 2d 785 (1963).

Sec. 8.114. Compensation, surety bond, oath of office and assistants of tax assessor.

The metropolitan tax assessor's salary shall be fifteen thousand dollars (\$15,000.00), per annum, payable semimonthly. This salary may not be changed during the four (4) years for which the tax assessor is elected.

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The metropolitan tax assessor shall give surety bond as provided by Tennessee Code Annotated, section 67-1-505, in the case of county tax assessors, the same to be approved by the mayor. He shall take an oath of office as provided by Tennessee Code Annotated, section 67-1-507, for county tax assessors, the same to be filed in the office of the metropolitan clerk.

The metropolitan tax assessor shall be furnished with such deputies, office personnel, material and supplies as he may need for the proper functioning of his office and as may be provided by ordinance and by his annual budget appropriations. Deputies appointed by him shall have the powers and duties and liabilities of the tax assessor. All employees of the assessor other than these deputies shall be employed in accordance with civil service regulations.

(Res. No. 88-526, §§ 7, 8, 10-4-88)

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 8.115. Vacancies in office of tax assessor.

Vacancies in the office of the metropolitan tax assessor shall be filled by the metropolitan county council. The person so appointed to fill a vacancy shall serve the remainder of the unexpired term, or until the first of September following the next regular August election, whichever is earlier. When a vacancy occurs more than thirty (30) days prior to a regular August election, at which a tax assessor is not to be elected for a full term, then a tax assessor shall be elected at such election for the remainder of the term.

Sec. 8.116. Division of property tax collections created; county trustee designated metropolitan trustee.

There shall be as an agency of the metropolitan government, a division of property tax collections, the head of which shall be the county trustee, sometimes herein called metropolitan trustee. He shall be elected for a four-year term as provided by general law. The trustee shall be furnished with such deputies, office personnel, material and supplies as he may need for the proper functioning of his office and as may be provided by ordinance within his annual budget appropriations or as may be approved by rulings of chancery court. Deputies appointed by him as approved in rulings by chancery court shall have the powers, duties and liabilities of the trustee. All employees of the trustee other than these deputies shall be employed in accordance with civil service regulations.¹

The trustee shall collect and receive real and personal property taxes or tax equivalents and all merchants' ad valorem taxes due the metropolitan government for the general services district and the urban services district. He shall daily remit the same to the metropolitan treasurer.² With respect to said real and personal property taxes and merchants' ad valorem taxes, the trustee shall have all the powers, duties and responsibilities vested by general law in county trustees as to state, county and municipal taxes, except as otherwise provided in this Charter.

For six (6) months after the aforementioned taxes shall become delinquent the trustee shall collect such taxes, as well as interest and penalties thereon. At the end of said six (6) months' period, the trustee shall transmit to the collections officer or to such other agency as may be designated by ordinance a balanced and reconciled report of all taxes remaining delinquent. Prior to such transmittal there shall be an internal audit by the division of accounts and after such transmittal it shall be the duty and responsibility of the collections officer or other designated agency to collect said delinquent taxes.

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1. The requirement that persons other than deputies appointed by the metropolitan trustee be employed in accordance with civil service regulations is not so arbitrary as to violate due process, and supersedes conflicting general law. *Robinson v. Briley*, 213 Tenn. 418, 374 S.W. 2d 382 (1963).
2. Assignment by this Charter of duty of collecting merchants' ad valorem taxes to metropolitan trustee, which duty is assigned by general law to county clerk, is a valid exercise of power under T.C.A., § 6-3701 et seq., and supersedes the conflicting general law. *Winter v. Allen*, 212 Tenn. 84, 367 S.W. 2d 785 (1963).

The sole duty of the metropolitan trustee in regard to real and personal property taxes and merchants' ad valorem taxes is to collect such taxes or tax equivalents and remit them daily to the metropolitan treasurer. He may not retain them for payment of salaries, expenses, etc. The requirement that he remit such taxes daily is a valid requirement, and supersedes conflicting general law. *Robinson v. Briley*, 213 Tenn. 418, 374 S.W. 2d 382 (1963).

Sec. 8.117. Bond of metropolitan trustee.

The official bond of the metropolitan trustee shall be executed by a surety company authorized to transact business in Tennessee. The minimum amount of bond shall be fixed by ordinance, however it shall be at least equal to the minimum set forth in Tennessee Code Annotated, section 8-11-103, for county trustees.

It shall be the duty of the mayor to examine into the solvency of the trustee's bond and if the bond be found to be insufficient, as provided by law it shall be the duty of the mayor to notify him of the fact and to require him to give new or additional security in such sum as may be fixed upon by the council on the recommendation of the mayor. If the required bond or security be not given within one (1) month, it shall be the duty of the council, and it shall have the power, to declare the office vacant.

(Res. No. 88-526, § 9, 10-4-88)

Sec. 8.118. Powers and duties of county court clerk.

There shall be as an independent agency of the metropolitan government, the office of county court clerk, the head of which shall be the county court clerk, elected for a term of four (4) years as provided by the constitution and the general laws of the state. The county court clerk shall be furnished with such deputies, office personnel, material and supplies as he may need for the proper functioning of his office and as may be provided by ordinance and within his annual budget appropriations. Deputies appointed by him as approved in rulings by chancery court shall have the powers and duties and liabilities of the county court clerk. All employees of the county court clerk, other than these deputies, shall be employed in accordance with civil service regulations. Nothing in this Charter is intended or shall be construed to alter or affect the powers, duties and responsibilities of the county court clerk as a collector of state privilege licenses or other state revenues or as the clerk of the probate court or monthly county court. However, all fees, revenues, incomes, commissions, emoluments and prerequisites of the office of county court clerk shall accrue to the metropolitan government and shall be deposited with the metropolitan treasurer daily, except as otherwise provided by ordinance.

Nothing in this section shall be construed as authorizing or empowering the county court clerk to assess or collect such taxes as may be provided for in the division of tax assessment, division of property tax collections and division of collections of the department of finance.

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Sec. 8.119. Appointment of deputies of metropolitan trustee and county court clerk.

The metropolitan trustee and the county court clerk shall make application for the employment of deputies in accordance with the provisions of Tennessee Code Annotated, section 8-20-101. The above-named officer in his petition shall name the mayor as the party defendant thereto.

(Res. No. 88-526, § 10, 10-4-88)

Sec. 8.120. Date taxes payable; interest and penalty for delinquency.

Ad valorem taxes, including merchants' ad valorem, due by reason of the tax levied in the general services district shall become due and payable on the first day of October in each year. The general laws with respect to collection, delinquency, interest, penalties and the lien of taxes shall be applicable to the general services district.

All ad valorem taxes, including merchants' ad valorem, due by reason of the tax levy in the urban services district shall become due and payable on the first of August of the year for which they are assessed, and that such taxes may be paid in two (2) installments, as follows: One-half of the tax to be paid between August 1 and September 30 the year for which they are assessed, without interest or penalty; and the remaining one-half after the first half is paid to be paid not later than January 10 without interest and penalty. The general laws with respect to collection, delinquency, interest, penalties and the lien of taxes shall be applicable to the urban services district except that the date of delinquency shall be January 11.

Sec. 8.121. Division of metropolitan audit.

- A. There shall be, as an independent agency of the metropolitan government, a division of metropolitan audit, the director of which is designated as the metropolitan auditor. The metropolitan auditor shall be a person:
1. With a well founded reputation in government or public finance and the audit function as may be exhibited by a record of exceptional performance for at least five (5) years as a financial officer of a government or business;
 2. Who has, through education and experience as an accountant, auditor, CFO, controller or principal accounting officer of a governmental entity or private business an understanding of Generally Accepted Accounting Principles, Governmental Auditing Standards Board standards, financial statements, internal controls and procedures for financial reporting, and the audit functions of a governmental entity.
- B. The metropolitan auditor shall be appointed by a majority vote of the council from a list of three (3) persons recommended by the audit committee whom the audit committee deems best qualified and available to fill the position. If the council deems that the persons recommended by the audit committee to serve as metropolitan auditor are not suitable and/or qualified, the council shall reject the names submitted and the audit committee shall recommend three (3) additional persons deemed qualified and available to fill the position. The metropolitan auditor shall serve a term of eight (8) years but shall be subject to removal for cause during the term by a vote of four (4) members of the audit committee. The first term of the metropolitan auditor will end on June 30, 2014, regardless of whether the full eight (8) years has been served. A vacancy occurring during a term shall be filled temporarily with a qualified acting metropolitan auditor by the majority vote of the audit committee. The filling of the vacancy for the remainder of a term and for any new term shall be filled by a majority vote of the council through the process provided in this section.

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- C. The metropolitan auditor shall conduct, or cause to be conducted financial, performance and other audit services following Government Auditing Standards established by the United States Government Accountability Office, and the metropolitan auditor shall follow the independence and other professional standards established and published under Government Auditing Standards.
- D. The metropolitan auditor shall appoint and remove, subject to the civil service provisions of [article 12](#) of this Charter, all officers and employees of the division.
- E. There shall be a metropolitan audit committee which shall be composed of six (6) members, as follows: The vice mayor and the director of finance shall be members by virtue of their official positions. Two (2) members of the metropolitan county council shall be selected by that body from its membership to serve a two (2) year term. One (1) member shall be selected by the Nashville Area Chamber of Commerce to serve a four (4) year term. One (1) member shall be selected by the Nashville Chapter of the Tennessee Society of Certified Public Accountants to serve a four (4) year term except that the member first selected shall serve a two (2) year term. Members shall be eligible to succeed themselves. The general provisions of [article 11](#), chapter 1, of this Charter shall be applicable to the audit committee unless otherwise specified in this section.
- F. The audit committee will oversee the annual audit plan and will review and evaluate at least annually the performance of the metropolitan auditor.
- G. All audit reports issued by the metropolitan auditor are public documents and shall at all times, during business hours, be open for personal inspection by any citizen of Tennessee.

(Added by Amdt. 3 to referendum petition approved November 7, 2006)

CHAPTER 2. DEPARTMENT OF METROPOLITAN POLICE

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[Sec. 8.201. Created.](#)

[Sec. 8.202. Responsibility and powers of department.](#)

[Sec. 8.203. Chief of police as director; his powers and duties.](#)

[Sec. 8.204. Appointment of director; filling other vacancies in department.](#)

[Sec. 8.205. Special police.](#)

[Sec. 8.206. School crossing guard division.](#)

[Sec. 8.207. Volunteer police reserve authorized.](#)

[Sec. 8.208. Qualifications of personnel.](#)

[Sec. 8.209. Salaries.](#)

[Sec. 8.210. Work week and vacations.](#)

Sec. 8.201. Created.

There shall be a department of metropolitan police, which shall consist of the director thereof, and such other officers and employees of such ranks and grades as may be established by ordinance and which shall include such bureaus, divisions and units as may be provided by ordinance or by regulations of the director consistent therewith.

Sec. 8.202. Responsibility and powers of department.

The department of the metropolitan police shall be responsible within the area of the metropolitan government for the preservation of the public peace, prevention and detection of crime, apprehension of criminals, protection of personal and property rights and enforcement of laws of the State of Tennessee and ordinances of the metropolitan government.³ The director and other members of the metropolitan police force shall be vested with all the power and authority belonging to the office of constable by the common law and also with all the power, authority and duties which by statute may now or hereafter be provided for police and law enforcement officers of counties and cities.

3. Designation of police department, rather than sheriff as principal conservator of the peace is a valid exercise of power under T.C.A., § 6-3701 et seq. *Metropolitan Government v. Poe*, 215 Tenn. 53, 383 S.W. 2d 265 (1964).

Sec. 8.203. Chief of police as director; his powers and duties.

The department of metropolitan police shall be under the general management and control of a director thereof, who is designated the chief of police. The chief of police shall establish zones and precincts and assign members of the department to their respective posts, shifts, details and duties consistent with their rank. He shall make regulations, with the approval of the mayor and in conformity with applicable ordinances, concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms, arms and other equipment for their training. The chief of police shall be

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responsible for the efficiency, discipline and good conduct of the department. Orders of the mayor relating to the department shall be transmitted in all cases through the chief of police or in his absence or incapacity through an officer designated as acting chief. Disobedience to the lawful commands of the chief of police or violations of the rules and regulations made by him with the approval of the metropolitan mayor shall be grounds for removal or other disciplinary action as provided in such rules and regulations, subject to the civil service provisions of [article 12](#) of this Charter.

Sec. 8.204. Appointment of director; filling other vacancies in department.

A permanent vacancy in the office of director shall be filled by appointment of the mayor, subject to the civil service provisions of this Charter and subject to qualifications to be prescribed by the civil service commission designed to secure a person especially qualified for the position by training and experience. A temporary vacancy in the office of director due to sickness, absence or other disability shall be filled by appointment of the mayor.

A vacancy in any office, position or employment in the department shall be filled by appointment of the chief of police, subject to the approval of the mayor and consistent with the civil service provisions of this Charter.

Sec. 8.205. Special police.

The chief of police may appoint, in his discretion and upon the application of any individual, firm or corporation showing the necessity thereof, one or more special policemen, to be paid by the applicant, who shall have the powers and duties of policemen while in or on the premises of such applicant or in the actual performance of the duties for which employed. Special policemen shall be subject to the rules and regulations of the department of metropolitan police and their appointments shall be revocable at any time by the chief of police with the approval of the mayor. Before entering upon the performance of their duties, special policemen shall execute and file with the metropolitan clerk a public officer's liability bond in such amount as may be fixed by resolution of the metropolitan council.

Sec. 8.206. School crossing guard division.

The chief of police may establish, and shall establish if directed by ordinance, a school crossing guard division in the department.

(Res. No. RS2012-277, § 1(Amdt. 4), 9-18-2012, election of 11-6-2012)

Sec. 8.207. Volunteer police reserve authorized.

The director may, and if directed by ordinance, shall establish a voluntary auxiliary police reserve to serve without compensation in cases of emergency and in aid of civil defense. Where established by the director, he shall promulgate rules, to be approved by the mayor, for the organization and operation thereof.

Sec. 8.208. Qualifications of personnel.

After the effective date of this Charter,⁴ no person shall be eligible to appointment to any position in the department except as a regular salaried employee in the classified service. Every appointee shall be a citizen of the United States of America; shall meet the physical requirements for admission to either the

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CHAPTER 2. DEPARTMENT OF METROPOLITAN POLICE

United States Army or Navy at the time of appointment and again at the close of the working probationary period; and shall comply with all applicable rules and regulations of the civil service commission.

To determine whether applicants for positions in the department possess the required physical qualifications, the chief medical director may provide for conducting physical examinations and report his findings to the civil service commission.

4. April 1, 1963.

Sec. 8.209. Salaries.

The annual compensation of the director, payable semimonthly, shall be twelve thousand (\$12,000) dollars. The salaries of the other officers and employees of the department shall be as fixed in the pay plan adopted pursuant to [article 12](#) of this Charter.

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 8.210. Work week and vacations.

Every member of the department shall be entitled to two (2) days off each week and to an annual vacation of twenty (20) days without deduction of pay. The time for vacations shall be determined and assigned by the chief of police. All members of the department shall be subject to call and assignment to duty at any time during an emergency.

CHAPTER 3. DEPARTMENT OF FIRE

CHAPTER 3. DEPARTMENT OF FIRE

[Sec. 8.301. Created.](#)

[Sec. 8.302. Function of department.](#)

[Sec. 8.303. Fire chief as director; powers and duties.](#)

[Sec. 8.304. Appointment of director; filling other vacancies in department.](#)

[Sec. 8.305. Fire prevention.](#)

[Sec. 8.306. Qualifications of personnel.](#)

[Sec. 8.307. Salaries.](#)

[Sec. 8.308. Work week and vacations.](#)

Sec. 8.301. Created.

There shall be a department of fire, which shall consist of the director thereof, and such other officers and employees of such ranks and grades as may be established by ordinance and which shall include such bureaus, divisions and units as may be provided by ordinance or by regulations of the director consistent therewith.

Sec. 8.302. Function of department.

The department of fire shall be responsible for the protection against fire of life and property within the urban services district and within other areas covered by contracts authorized by ordinance.

Sec. 8.303. Fire chief as director; powers and duties.

The department of fire shall be under the management and control of a director thereof, who is designated the fire chief. He shall assign members of the department to stations, shifts, details and duties consistent with their rank. He shall make regulations, with the approval of the metropolitan mayor and in conformity with applicable ordinances, concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms, arms and other equipment and their training. The fire chief shall be responsible for the efficiency, discipline and good conduct of the department. Orders of the mayor relating to the department shall be transmitted in all cases through the fire chief or in his absence or incapacity through an officer designated as acting chief. Disobedience to the lawful commands of the fire chief or violations of the rules and regulations made by him with the approval of the mayor shall be grounds for removal or other disciplinary action as provided in such rules and regulations, subject to the civil service provisions of [article 12](#) of this Charter.

Sec. 8.304. Appointment of director; filling other vacancies in department.

A permanent vacancy in the office of director shall be filled by appointment of the mayor, subject to the civil service provisions of this Charter and subject to qualifications to be prescribed by the civil service commission designed to secure a person especially qualified for the position by training and experience.

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CHAPTER 3. DEPARTMENT OF FIRE

A temporary vacancy in the office of director due to sickness, absence or other disability shall be filled by appointment of the mayor.

A vacancy in any office, position or employment in the department shall be filled by appointment of the fire chief, subject to the approval of the mayor and consistent with the civil service provisions of this Charter.

Sec. 8.305. Fire prevention.

The department of fire shall recommend to the council for adoption as ordinances such rules and regulations for the prevention of fire as may appear necessary and proper. In the enforcement of such rules and regulations, when adopted, the department shall act through the fire marshal.

Sec. 8.306. Qualifications of personnel.

After the effective date of this Charter,⁵ no person shall be eligible to appointment to any position in the department except as a regular salaried employee in the classified service. Every appointee shall be a citizen of the United States of America; shall meet such physical requirements as shall be prescribed by the civil service commission; and shall comply with all applicable rules and regulations of the civil service commission.

To determine whether applicants for positions in the department possess the required physical qualifications, the chief medical director may provide for conducting physical examinations and report his findings to the civil service commission.

5. April 1, 1963.

Sec. 8.307. Salaries.

The annual compensation of the director, payable semimonthly, shall be twelve thousand (\$12,000) dollars. The salaries of the other officers and employees of the department shall be as fixed in the pay plan adopted pursuant to [article 12](#) of this Charter.

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 8.308. Work week and vacations.

Every member of the department shall be entitled to two days off each week and to an annual vacation of twenty days without deduction of pay. The time for vacations shall be determined and assigned by the fire chief. All members of the department shall be subject to call and assignment to duty at any time during an emergency.

CHAPTER 4. DEPARTMENT OF PUBLIC WORKS

CHAPTER 4. DEPARTMENT OF PUBLIC WORKS

[Sec. 8.401. Created.](#)

[Sec. 8.402. Functions.](#)

[Sec. 8.403. Supervision, certification and approval of payment for certain capital improvement projects.](#)

[Sec. 8.404. Director of public works—Qualifications and compensation.](#)

[Sec. 8.405. Same—Powers and duties.](#)

[Sec. 8.406. Custody of maps and plans.](#)

Sec. 8.401. Created.

There shall be a department of public works, which shall consist of the director of public works and such other officers and employees organized into such divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith and approved by the mayor.

Sec. 8.402. Functions.

The department of public works shall be responsible for:

- (a) The design, construction, maintenance, repair and cleaning of roads, highways, streets, alleys, other public places, bridges, viaducts, and other related structures.
- (b) The collection and disposal of garbage and other refuse, and maintenance and operation of facilities for the disposal of same.
- (c) Control of the servicing, maintenance and repair of automotive equipment, except as the same by ordinance may be assigned in whole or in part to another department or agency of the metropolitan government.
- (d) Construction of capital improvement projects by its own employees, whenever so authorized or directed by ordinance or by the mayor.
- (e) Making and preparing such plans, specifications, estimates, surveys, maps, designs, drawings and reports as may be requested from time to time by the council, by the mayor or by the head of any department or any board, commission or agency of the metropolitan government acting with the approval of the mayor, and supervision of the execution and performance of all contracts for capital improvement projects, the plans and specifications, for which were prepared by the department of public works.
- (f) The administration and enforcement of all laws, ordinances and regulations relating to permits and licenses, including those relating to weights and measures, electrical installations, building and construction, plumbing, taxicabs, miscellaneous industrial and commercial uses, elevators, water, sewer and gas installations, public gatherings and tourist camps; provided, that all licenses and permits issued shall be approved or regulated by such other offices, agencies or boards of the metropolitan government as may be provided from time to time by ordinance; and provided further, that the council may by ordinance transfer and assign this function to a newly created department of licenses and permits.

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CHAPTER 4. DEPARTMENT OF PUBLIC WORKS

- (g) Such other powers and duties as are assigned to the department by this Charter or may be assigned thereto by ordinance or by action of the mayor.

(Res. No. RS2012-277, § 1(Amdt. 5), 9-18-2012, election of 11-6-2012)

Sec. 8.403. Supervision, certification and approval of payment for certain capital improvement projects.

Unless otherwise specifically provided for in this Charter, no payment upon any contract for capital improvement projects shall be made by the metropolitan government without the written certification of the director of public works that the work or the portion thereof for which such payment is to be made has been satisfactorily performed in accordance with the terms of such contract. Unless otherwise specifically provided in this Charter, when the plans and specifications for any capital improvement project have been prepared by some person or agency other than the department of public works, the performance of the contract may be supervised and certification required by the department of public works before payment shall be made in accordance with the terms and provisions of the contract.

Sec. 8.404. Director of public works—Qualifications and compensation.

The head of the department of public works shall be the director, whose annual compensation, payable semimonthly, shall be fifteen thousand (\$15,000) dollars. A permanent vacancy in the office of director shall be filled by appointment made by the mayor, subject to the civil service provisions of this Charter. He shall have had at least five (5) years' experience in industry or in municipal or metropolitan public works. In the event of temporary vacancy in the office of director due to sickness, absence or other disability, a temporary appointment may be made by the mayor, subject to the civil service provisions of this Charter.

(Res. No. RS2012-277, § 1(Amdt. 2), 9-18-2012, election of 11-6-2012)

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 8.405. Same—Powers and duties.

The director of public works shall have general management and control of the several divisions and units of the department. He shall appoint and remove, subject to the civil service provisions of [article 12](#) of this Charter, all officers and employees of the department and shall have power to make rules and regulations for the conduct of the business of the department consistent with this Charter and the ordinances of the metropolitan government.

Sec. 8.406. Custody of maps and plans.

The department of public works shall have custody of all maps or plans or any part thereof which were on file immediately prior to the effective date of this Charter⁶ in the offices of the director of public works of the City of Nashville or the County Highway Engineer of the County of Davidson and all such maps and plans hereafter made and not expressly required by law or ordinance to be filed in some other place; provided, that all plans, records, etc., pertaining to the sanitary sewerage system which are in the

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custody of the department of public works on the effective date of this Charter shall be turned over to the department of water and sewerage services.

6. April 1, 1963.

CHAPTER 5. DEPARTMENT OF WATER AND SEWERAGE SERVICES

CHAPTER 5. DEPARTMENT OF WATER AND SEWERAGE SERVICES

[Sec. 8.501. Created.](#)

[Sec. 8.502. Functions.](#)

[Sec. 8.503. Director of water and sewerage services—Qualifications and compensation.](#)

[Sec. 8.504. Same—Powers and duties.](#)

[Sec. 8.505. Division of billing and collection.](#)

[Sec. 8.506. Accounting system.](#)

[Sec. 8.507. Revolving funds.](#)

[Sec. 8.508. Establishment of and changes in rates.](#)

Sec. 8.501. Created.

There shall be a department of water and sewerage services, which shall consist of the director and such other officers and employees, organized into such divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith.

Sec. 8.502. Functions.

The department of water and sewerage services shall be responsible for: (1) The construction, operation, and maintenance of all water and sanitary sewer facilities of the metropolitan government; (2) The construction, operation, and maintenance of stormwater facilities of the metropolitan government; (3) The collection of all charges for the services of such utilities; (4) Such other powers and duties as may be assigned to the department by ordinance.

(Res. No. RS2012-277, § 1(Amdt. 5), 9-18-2012, election of 11-6-2012)

Sec. 8.503. Director of water and sewerage services—Qualifications and compensation.

The head of the department of water and sewerage services shall be the director, whose annual compensation, payable semimonthly, shall be fifteen thousand (\$15,000) dollars. A permanent vacancy in the office of director shall be filled by appointment made by the mayor, subject to the civil service provisions of this Charter. He shall be a graduate engineer who is trained and skilled in public utility problems and shall have had at least five (5) years' experience in an executive or major administrative position in a public utility operation or public utility administration.

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

CHAPTER 5. DEPARTMENT OF WATER AND SEWERAGE SERVICES

Sec. 8.504. Same—Powers and duties.

The director of water and sewerage services shall have general management and control of the several divisions and units of the department, including the approval of all departmental requisitions for purchases and services. No payment from the funds of the department of water and sewerage services shall be made until such payments shall have been certified as due and correct by the director of the said department; this includes the certification as to the satisfactory performance of all contracts and services in connection with the operation, maintenance, and expansion of the said department. The director shall approve all plans and specifications relating to the expansion, operation, and maintenance of the water and sewerage system. He shall appoint and remove, subject to the civil service provisions of [article 12](#) of this Charter, all officers and employees of the department and shall have power to make rules and regulations for the conduct of the business of the department consistent with this Charter and the ordinances of the metropolitan government.

Sec. 8.505. Division of billing and collection.

There shall be established within the department, a division of billing and collection, which shall be responsible for the collection of all charges for the use of water, sewage disposal, and other services incident thereto.

Sec. 8.506. Accounting system.

The accounting system established by the department shall be in conformity with accepted utility accounting practices and shall be approved by the director of finance and generally correlated with the central finance and accounting system of the metropolitan government.

Sec. 8.507. Revolving funds.

The revolving fund used in the operation of the waterworks system of the former City of Nashville, as provided in section 15 of article 22 of chapter 246 of the Private Acts of 1947, is hereby continued in full force and effect for the use and benefit of the department of water and sewerage of the metropolitan government. This fund shall be used solely for paying the cost of improvements or extensions of the water system of the metropolitan government and for the purpose of making replacements in said system or purchasing and installing new capital equipment as part of said system. Whenever money in such fund shall be used for said purposes, the money so used shall be replaced in said fund from the first revenues received from the operation of the waterworks system which are not pledged for some other purpose until the fund is again restored to the amount of two hundred thousand (\$200,000) dollars; provided, however, that revenues so used for the purpose of replacing money expended from such fund shall not be required to be so used in any one year in an amount exceeding ten (10%) percent of the gross revenues received from the operation of the waterworks system in such year. The council, in its discretion, may provide for the placing of additional revenue in such fund for the purpose of establishing it in a larger amount than the minimum of two hundred thousand (\$200,000) dollars herein provided. No proceeds of such fund shall be used for the payment of current costs of operating and maintaining the waterworks system of the metropolitan government or for the purchase of tools, operating supplies or similar equipment. No provision of this section shall be construed to authorize the issuance of additional bonds for the foregoing purposes.

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CHAPTER 5. DEPARTMENT OF WATER AND SEWERAGE SERVICES

Sec. 8.508. Establishment of and changes in rates.

The mayor and council are authorized and directed to establish the rates for water and sewerage services and to provide the methods for changes therein.

CHAPTER 6. DEPARTMENT OF LAW

CHAPTER 6. DEPARTMENT OF LAW

[Sec. 8.601. Created.](#)

[Sec. 8.602. Functions.](#)

[Sec. 8.603. Appointment, qualifications, compensation and powers and duties of director of law; designated metropolitan attorney.](#)

[Sec. 8.604. Deputy director of law.](#)

[Sec. 8.605. Assistant metropolitan attorneys.](#)

[Sec. 8.606. Director of law and others not to engage in private practice.](#)

[Sec. 8.607. Employment of special counsel restricted and provided for.](#)

[Sec. 8.608. Certain personnel of department not under civil service.](#)

[Sec. 8.609. Amending Charter references to state statutes.](#)

Sec. 8.601. Created.

There shall be a department of law, which shall consist of the director thereof, of other personnel hereinafter mentioned and of such other positions and employees as may be provided by ordinance or by regulations of the director consistent with ordinance.

Sec. 8.602. Functions.

The department of law shall have the power and its duty shall be to perform the following functions

- (a) Supervise, direct and control all of the law work of the metropolitan government, except with respect to the electric power board, which, having its own general counsel, is excepted from the provisions of this chapter.
- (b) Furnish legal advice to the mayor, to the council and to all officers, departments, boards and commissions concerning any matters arising in connection with the exercise of their official powers or performance of their official duties.
- (c) Represent the metropolitan government in all litigation.
- (d) Collect by suit or otherwise all debts, taxes and accounts due the metropolitan government which shall be placed with it for collection by any officer, department, board or commission.
- (e) Prepare or approve all contracts, bonds, deeds, leases or other instruments in writing in which the metropolitan government is concerned.
- (f) Prepare or assist in preparing' for introduction any proposed ordinance upon request of the mayor or any member of the council.
- (g) Codify and cause to be published in convenient book form once in every five (5) years all of the general ordinances which are still in effect, with compilation and publication annually of a supplement thereto. The first general codification shall be published within one (1) year after the

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CHAPTER 6. DEPARTMENT OF LAW

first director of law assumes office under this Charter, unless the council by resolution shall extend the time therefor.

- (h) Perform such other duties as may be assigned to it by ordinance.

Sec. 8.603. Appointment, qualifications, compensation and powers and duties of director of law; designated metropolitan attorney.

The department of law shall be under the supervision and control of the director of law, who is designated the metropolitan attorney. The metropolitan attorney shall be appointed by the mayor for a term which terminates with the term of the mayor making the appointment. He shall be confirmed by a majority vote of the total membership of the council. He shall have been a member of the bar of Tennessee for at least five (5) years preceding his appointment and also have been a resident of the area of the metropolitan government for a like period. His annual compensation, payable semimonthly, shall be fifteen thousand (\$15,000) dollars. The metropolitan attorney shall appoint all officers and employees of the department and may remove them, subject to the civil service provisions of [article 12](#) of this Charter. The director of law shall determine and assign to the members of his staff and other employees of the department their respective duties and responsibilities, except as provided in the transitional provisions of this Charter.

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 8.604. Deputy director of law.

There shall be a deputy director of law, designated as the deputy metropolitan attorney, who shall be appointed by the director of law, subject to the approval of the mayor. The qualifications of the deputy director of law shall be those hereinabove specified for the director of law and his compensation shall be twelve thousand (\$12,000) dollars per annum, payable semimonthly. The deputy director of law shall be under the supervision and direction of the metropolitan attorney and shall assist him in the organization, administration and control of the department of law. In the absence of the director of law or in the event of a vacancy in his office, the deputy director of law shall perform the duties thereof until the director returns or the vacancy is filled.

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 8.605. Assistant metropolitan attorneys.

There shall be four (4) assistant metropolitan attorneys who shall be appointed by the director of law, subject to the approval of the mayor, and each of whose compensation shall be seventy-five hundred (\$7500) dollars per annum, payable semimonthly. The council may by ordinance create additional positions of assistant metropolitan attorney and fix the compensation of such positions, not to be higher than the minimum salary then being paid to an assistant metropolitan attorney. All assistant metropolitan attorneys shall perform such work of the department as may be assigned to them by the director.

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CHAPTER 6. DEPARTMENT OF LAW

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 8.606. Director of law and others not to engage in private practice.

The metropolitan attorney, the deputy metropolitan attorney and all assistant metropolitan attorneys shall devote their entire time and attention to the business of the department of law, and shall not engage in the private practice of law.

Sec. 8.607. Employment of special counsel restricted and provided for.

No department, board, commission or other agency of the metropolitan government may employ special counsel. Whenever the interests of the metropolitan government require special counsel, the council, by resolution, may authorize the mayor to employ such counsel, who shall be paid such compensation for his service as the mayor, the director of law and the director of finance shall determine to be reasonable compensation for the services rendered, and as the council shall by resolution approve. The employment of bond counsel shall not be considered as the employment of special counsel for purposes of this section.

When the interests of the metropolitan council require legal counsel, the council, by resolution, may authorize the vice-mayor to employ such legal counsel, who shall be paid such compensation for his services as the council shall determine to be reasonable compensation for the services rendered, and as the council shall by resolution approve. Such resolution shall not require the approval of the mayor, the director of finance or the director of law.

(Res. No. 72-380, § 1, 11-7-72)

Sec. 8.608. Certain personnel of department not under civil service.

The metropolitan attorney, the deputy metropolitan attorney, their respective private secretaries and assistant metropolitan attorneys shall not hold civil service status, except as expressly provided in the transitional provisions of this Charter.

Sec. 8.609. Amending Charter references to state statutes.

Upon the renumbering of any sections of the Tennessee Code Annotated to which this Charter makes reference, said references in the Charter shall be renumbered to properly identify the renumbered sections of the Tennessee Code Annotated after compliance with the following procedure. The metropolitan attorney, after review and approval by the Charter revision commission, shall submit the proposed changes to the metropolitan council for approval by resolution. Upon approval by the metropolitan council, a certified copy of the approving resolution shall be delivered to the secretary of state and to the metropolitan clerk who shall attach the same to the copy of the Charter in his custody.

Editor's note—The addition of § 8.609 was approved at an election held Aug. 4, 1983.

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CHAPTER 7. DEPARTMENT OF AVIATION*

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*State law reference—Airport Authorities Act, T.C.A. § 42-3-101 et seq.; Metropolitan Airport Authority Act, T.C.A. § 42-4-101 et seq.

[Sec. 8.701. Created.](#)

[Sec. 8.702. Functions.](#)

[Sec. 8.703. Director of aviation—Qualifications, appointment and compensation.](#)

[Sec. 8.704. Same—Powers and duties.](#)

Sec. 8.701. Created.

There shall be a department of aviation, which shall consist of the director of aviation and such other officers and employees as may be provided by ordinance.

Sec. 8.702. Functions.

The department of aviation shall be responsible (1) for the operation, maintenance and control of the Nashville Metropolitan Airport and other airports owned or operated in whole or in part by the metropolitan government, and (2) for such related activities and duties as may be prescribed by ordinance.

Sec. 8.703. Director of aviation—Qualifications, appointment and compensation.

The head of the department of aviation shall be the director, whose annual compensation, payable semimonthly, shall be twelve thousand (\$12,000) dollars. A permanent vacancy in the office of the director shall be filled by appointment made by the mayor, subject to the civil service provisions of this charter. He shall be a person with experience in an executive or major administrative position in municipal or other public airport operations and familiar with the rules and regulations of the authorized governmental agencies concerning airport operations and aeronautic requirements.

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 8.704. Same—Powers and duties.

The director of aviation shall have the general management and supervision of the department of aviation. He shall appoint and remove, subject to the civil service provisions of [Article 12](#) of this charter, all other officers and employees. He shall have power to make rules and regulations consistent with this charter and with applicable ordinances for the conduct of the business of the department.

ARTICLE 9. PUBLIC SCHOOLS*

ARTICLE 9. PUBLIC SCHOOLS*

* Editor's note—A referendum petition approved by the voters at an election held Nov. 4, 1980, substituted the term "metropolitan board of public education" for the terms "metropolitan county board of education" and "metropolitan board of education" wherever they appear in art. IX, §§ 9.01, 9.03—9.14. The petition also amended § 9.02 in its entirety.

[Sec. 9.01. Public school system established.](#)

[Sec. 9.02. Board of education—Term and selection of members.](#)

[Sec. 9.03. Same—Powers.](#)

[Sec. 9.04. Same—Duties; referendum as to school budget.](#)

[Sec. 9.05. Same—Employment of director of schools.](#)

[Sec. 9.06. Pension rights of educational employees of county and city protected.](#)

[Sec. 9.06.1. Benefit increase plan.](#)

[Sec. 9.07. Pension and retirement plan for metropolitan teachers; voluntary transfer thereunder of city and county teachers.](#)

[Sec. 9.08. Tenure rights of county and city teachers protected.](#)

[Sec. 9.09. Disabilities of board members and council members to make adverse contracts or own school warrants.](#)

[Sec. 9.10. Civil service as to teachers and other educational employees.](#)

[Sec. 9.11. No diversion of funds.](#)

[Sec. 9.12. Transfer of school funds within school budget.](#)

[Sec. 9.13. Transfers to school fund from general funds; borrowing money.](#)

[Sec. 9.14. Acquisition and sale of property.](#)

Sec. 9.01. Public school system established.

A system of public schools for the Metropolitan Government of Nashville and Davidson County is hereby established, which shall be administered and controlled by the metropolitan board of public education, sometimes in this article called "the board."

Sec. 9.02. Board of education—Term and selection of members.

The metropolitan county board of education shall be abolished and there is established in its place the metropolitan board of public education, to succeed to all powers, duties, prerogatives, and functions of the present metropolitan county board of education. This abolishment shall take place ten (10) days following the certification of the election of members of the metropolitan board of public education.

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ARTICLE 9. PUBLIC SCHOOLS*

The metropolitan board of public education shall be composed of nine (9) members whose terms of office shall be six (6) years each and shall be so staggered that the terms of three (3) members expire every two (2) years. The election of board member shall take place at the first general election following the adoption of this referendum. One (1) member of the board shall be elected from each of the school districts herein defined, and no member shall be elected from a school district wherein another incumbent member resides. Any member who shall change his or her place of residence from one school district shall thereby vacate his or her office. The school districts from each of which one (1) member shall be elected shall be as follows:

School District Number 1 shall include Councilmanic Districts Nos. 1, 3, 10, and that part of 9 which lies north of Neelys Bend Road; west of Kinsey Boulevard; north of New Providence Pass, and Manzano Road; west of Fawn Lane; north of Warrior Road; west of Sandhurst Drive; north of East Old Hickory Boulevard.

School District Number 2 shall include Councilmanic Districts Nos. [28](#), [29](#), 30, [31](#).

School District Number 3 shall include Councilmanic Districts Nos. 6, 7, 8, and that part of 4 which lies east of Ellington Parkway, and that part of 9 which lies south of Neelys Bend Road; east of Kinsey Boulevard; south of New Providence Pass, and Manzano Road; east of Fawn Lane; south of Warrior Road; east of Sandhurst Drive; south of East Old Hickory Boulevard.

School District Number 4 shall include Councilmanic Districts Nos. 11, 12, 15, 14.

School District Number 5 shall include Councilmanic Districts Nos. 2, 5, 20, and that part of 4 which lies west of Ellington Parkway.

School District Number 6 shall include Councilmanic Districts Nos. 13, 16, [26](#), [27](#).

School District Number 7 shall include Councilmanic Districts Nos. 17, 18, 19, 21.

School District Number 8 shall include Councilmanic Districts Nos. 25, [32](#), 33, 34.

School District Number 9 shall include Councilmanic Districts Nos. 22, 23, [24](#), 35.

The first election of the nine-member board shall be as follows:

Of the nine (9) members elected, the three (3) members receiving the largest number of votes shall be elected for a term of six (6) years, the three (3) members receiving the next largest number of votes shall be elected for a term of office of four (4) years and the remaining three (3) members shall be elected for a term of office of two (2) years.

After the election of the first board, elections for replacing retiring members shall be at the first county-wide general election each two (2) years thereafter.

The school districts herein established may be altered in a plan for redistricting councilmanic districts adopted pursuant to [section 18.06](#) of this Charter.

No person shall be eligible to serve as a member of the board unless (a) he or she shall have attained the age of twenty-five (25) years at the beginning of his or her term; (b) shall have been a resident of the area of Metropolitan Government of Nashville and Davidson County for a period of five (5) years and one (1) year in the school district from which he or she is elected; (c) shall be a qualified, registered voter. Further, candidates for the board and members of the board shall hold no other elective or appointive public office. Candidates for membership on the metropolitan board of public education shall comply with the provisions for candidates for public office in title 2 Tennessee Code Annotated.

In the event a vacancy should occur for any reason other than the expiration of the term of a board member, the metropolitan board of public education shall be empowered to appoint, by a two-thirds majority of the remaining membership, a person residing within the school district in which the vacancy

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ARTICLE 9. PUBLIC SCHOOLS*

occurs to serve until the next county-wide general election, at which time a person shall be elected for the remainder of the unexpired term.

Effective September 1, 2003, members of the metropolitan board of public education may be compensated at a rate as may be approved by the metropolitan county council as part of the general pay plan under the provisions of [Section 18.05](#).

(Amended by Ord. No. 71-1389, § 2, 5-4-71; Bill No. 81-701, § 2, 10-6-81; Res. No. 88-526, § 11, 10-4-88; Res. No. R98-1073, § 1, 3-25-98; Res. No. 2003-1474 § 1, 8-7-03)

Editor's note—In addition to the legislation given in the history note, § 9.02 was amended in its entirety by virtue of a referendum petition approved Nov. 4, 1980. Areas included in the districts were amended by referendum approved by the voters Sept. 5, 1991.

Editor's note—As a result of the enactment of Tennessee Code Annotated § 49-2-201, School Districts 2 and 5 were renumbered 5 and 2 respectively such that no School Board member's term was shortened.

Sec. 9.03. Same—Powers.

The board is authorized to do all things necessary or proper for the establishment, operation and maintenance of an efficient and accredited consolidated school system for the metropolitan government, not inconsistent with this Charter or with general law, including but not limited to the following actions, all to be taken after receiving the recommendations thereon of the director of schools: The employment and fixing of the compensation of all persons necessary for the proper conduct of the public schools; the maintenance and preservation of school property, the management and safeguarding of school funds; the acquisition of school sites; the erection, maintenance and improvement of school buildings and additions thereto; the purchase of school equipment, furniture, apparatus, supplies and the like; the provision of group insurance of not less than five hundred dollars (\$500.00) each on its employees and teachers; and the promulgation of plans, rules and regulations for the administration, operation and maintenance of a public school system.

Purchases of the board shall be consistent with the procedures established concerning competitive bidding as provided in [section 8.111](#) of this Charter. In that respect, the board shall adopt appropriate rules and regulations concerning purchasing, including the establishment and enforcement of standard specifications for all supplies, materials and equipment required by the board and which it has authority to purchase or lease.

The board shall also have all powers and duties conferred by general law upon county boards of education and city boards of education, including, but not limited to, Tennessee Code Annotated, section 49-2-203 excepting only as otherwise provided in this Charter.

The system of furnishing free textbooks in the public schools of the city and county and receiving and accepting state aid therefor in effect at the time of the adoption of this Charter [April 1, 1963] shall be continued, unless and until changed by ordinance of the council upon recommendation of the board.

(Res. No. 88-526, § 12, 10-4-88)

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Sec. 9.04. Same—Duties; referendum as to school budget.

In addition to other duties imposed by this Charter or by general law, it shall be the duty of the metropolitan board of public education to:

1. Hold regular monthly meetings which shall be open to the public.
2. Adopt and make available for distribution rules, regulations and a statement of policies, including (a) the manner and method of operating the metropolitan school system and its properties, (b) the manner and method of employing personnel, (c) all personnel policies and any requirements with reference to teaching personnel or nonteaching personnel, salaries, vacations, sick leave, job security and retirement policy; and (d) the manner and extent of use which may be made of the public buildings under the control of the board.
3. Hold public hearings on the operational school budget prior to its approval by the board, and thereafter to submit to the mayor through the director of finance the budget for schools. If the operational school budget adopted by the council is in the opinion of a two-thirds majority of the entire membership of the board insufficient and inadequate to meet the needs of public education, then the board is authorized to take the following action with respect thereto:

Not later than thirty (30) days prior to the first Thursday in August, the board by a two-thirds majority of its entire membership shall adopt a resolution declaring that in addition to funds appropriated for the operational school budget as adopted by the council, an amount of money (to be specified in the resolution) is necessary; that the specified amount will be produced by an additional tax levy of a stated number of mills (to be specified in the resolution), and that the board by such resolution calls for and initiates a referendum election to determine whether such additional tax shall be levied and the total revenues thereby raised shall be added to the operational school budget. For the purpose of calculating the tax increase necessary, the board shall procure from the director of finance, who shall furnish the same immediately upon request, the amount of revenue which an additional tax of one (1) mill is anticipated to produce, and on this basis calculate the additional tax necessary to raise the additional school funds sought. A certified copy of such resolution shall immediately be transmitted to the council and to the board of county commissioners of election, which shall order and conduct a special referendum election on the first Thursday in August, the same to be held simultaneous with, and as a part of, the general August election if the year be an even one.

In addition, the Board may take the action outlined in the preceding paragraph to provide additional funding for capital improvements eligible for funding in the capital improvements budget established pursuant to [Section 6.13](#) of the Metropolitan Charter. For purposes of this section, capital improvements include renovations, repairs, maintenance, new construction of any building, structure, work, or improvement and technology, instructional and safety equipment.

The notice of election and the ballot for such referendum on the operational school budget shall provide substantially as follows:

Referendum Election as to increased operational school budget of \$ (here fill in the additional amount which the Board has certified as necessary) and an increase of (here fill in amount which the Board has certified as necessary) mills in tax rate thereby necessitated.

For _____ Increase _____
Against Increase _____

The result of the special election on the operational school budget shall be certified by the commissioners of election to the director of finance and to the county trustee. If the majority of voters favor said increase, then the previously adopted tax levy for the general services district shall be deemed accordingly amended and increased and the previously adopted operational school budget shall be

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deemed accordingly amended and increased. If the majority of voters do not favor said increase, then both the tax levy and the operational school budget shall remain as previously adopted.

If the Board, not later than thirty (30) days prior to the first Thursday in August, adopts a resolution calling for a referendum to increase funding for capital improvements, the notice of election and the ballot for such referendum shall provide substantially as follows:

Referendum Election to increase funding for capital improvements in the amount of \$ (here fill in the additional amount which the Board has certified as necessary), and an increase of (here fill in amount which the Board has certified as necessary) mills in the current tax rate thereby necessitated.

For _____ Increase _____
Against Increase _____

If the Board adopts a resolution calling for a referendum to fund capital improvements outside of the time period described above, the notice of election and the ballot for such referendum shall provide substantially as follows:

Referendum Election to authorize funding for capital improvements in the amount of \$ (here fill in amount which the Board has certified as necessary) for the upcoming fiscal year beginning on July 1, 19_____ (here fill in first day of next fiscal year), and an increase not to exceed (here fill in amount which the Board has certified as necessary) mills in the tax rate for the upcoming fiscal year.

For _____ Increase _____
Against Increase _____

The result of the special election to increase funding for capital improvements shall be certified by the commissioners of election to the director of finance and to the county trustee. With respect to special elections on capital improvements called pursuant to a resolution adopted by the Board not later than thirty (30) days prior to the first Thursday in August, if the majority of voters favor said increase, then the previously adopted tax levy for the general services district shall be deemed accordingly amended and increased and the previously adopted appropriation for capital improvements shall be deemed accordingly amended and increased. If the majority of voters do not favor said increase, then both the tax levy and the appropriation for capital improvements shall remain as previously adopted. With respect to special elections on capital improvements called pursuant to a resolution adopted by the Board outside the time period described above, if the majority of voters favor said increase, then the additional tax levy shall take effect the following fiscal year, unless the budget appropriation for capital improvements for the following fiscal year includes the additional revenues authorized by the special election.

From and after the issuance of tax bonds or notes for the Board to fund capital improvements from the revenues generated by the additional tax levy for capital improvements authorized by this section, there shall be included in the annual tax levy ordinance for education for the general services district, over and above all other taxes assessed therein, a sum sufficient to meet the interest and redemption charges on such tax bonds or notes due or to be paid in the ensuing year, together with a sum sufficient to reimburse the general fund for any appropriation made or to be made therefrom for the payment of any such interest or redemption charges.

The cost of any special election authorized by this section shall be paid out of the general fund of the general services district.

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Sec. 9.05. Same—Employment of director of schools.

The metropolitan board of public education is authorized to designate a person experienced in public school management and supervision and possessing a certificate of qualification issued by the state board of education pursuant to Tennessee Code Annotated, section 49-2-301(a), as the chief administrative employee of the board, and to enter into an employment contract with such person for a period not exceeding five (5) years and for a compensation to be determined therein. The person so designated and employed shall be known as the "metropolitan director of schools." The metropolitan board of public education is authorized to assign to the metropolitan director of schools such duties and responsibilities as are necessarily, usually or properly assigned to a city superintendent of schools or to a county superintendent of schools.

(Res. No. 88-526, § 13, 10-4-88)

Sec. 9.06. Pension rights of educational employees of county and city protected.

All rights and benefits which any person has acquired under a pension plan established for the benefit of teachers in the school system of Davidson County shall be preserved and continued, and all rights and benefits which any person has acquired as a nonteaching employee of the county board of education in the Davidson County Pension Fund shall be preserved and continued. All rights and benefits which any person has acquired under the teachers pension department and fund of the City of Nashville shall be preserved and continued, and all rights and benefits which any person has acquired as a nonteaching employee of the city board of education in the civil service employees pension fund of the City of Nashville shall be preserved and continued. Every person whose rights are preserved and continued by this section shall be entitled to participate in the applicable pension plan or fund on the terms and conditions in effect immediately prior to the effective date of this charter, except as such terms and conditions may be changed by applicable general law.

Sec. 9.06.1. Benefit increase plan.

The board of public education may recommend increase in benefits to members of pension plans set forth in [section 9.06](#). Upon recommendation by the board of public education, the plan for increased benefits shall be submitted to the mayor through the director of finance. The mayor shall approve or disapprove the plan and forward same to the council. Upon disapproval, the mayor shall attach a statement indicating his reasons for disapproval.

The council shall (1) adopt the benefits increase plan, or (2) reject it. Adoption or rejection shall be by resolution not requiring the approval of the mayor. When a benefit increase plan is rejected by the council, it shall be returned to the metropolitan board of public education which may thereupon formulate another benefit increase plan and transmit the same to the mayor through the director of finance under the provisions set forth above. The plan for increase in benefits shall be adopted effective at the beginning of the next fiscal year, except the effective date for the fiscal year beginning July 1, 1972, shall be as stated by the adopting resolution.

(Res. No. 72-380, § 1, 11-7-72)

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Sec. 9.07. Pension and retirement plan for metropolitan teachers; voluntary transfer thereunder of city and county teachers.

The metropolitan board of public education shall establish an actuarially sound pension and retirement plan for teachers. Such plan shall be applicable to teachers employed by the metropolitan board of public education who were not employed in the county school system or the city school system immediately prior to the effective date of this Charter. Such plan shall make provision for the transfer thereunder of teachers who were employed in either the school system of the City of Nashville or the school system of Davidson County when such teachers apply for such transfer and meet conditions of transfer specified by the plan. The metropolitan board of public education is authorized in its discretion to integrate its pension and retirement plan for teachers with the Federal Insurance Contributions Act, or other applicable state or federal legislation.

Sec. 9.08. Tenure rights of county and city teachers protected.

Any person employed in the school systems of the City of Nashville and of Davidson County who has acquired tenure as a teacher under sections 49-5-501 to 49-5-514, inclusive, of Tennessee Code Annotated, or under any private act, shall retain such tenure in the metropolitan school system established by the consolidation of said school system.

(Res. No. 88-526, § 14, 10-4-88)

Sec. 9.09. Disabilities of board members and council members to make adverse contracts or own school warrants.

Members of the metropolitan board of public education and members of the council shall be under the same disabilities as to making adverse contracts with the metropolitan board of public education or as to owning school warrants as are established by general law for members of county boards of education and justices of the peace.

Sec. 9.10. Civil service as to teachers and other educational employees.

The metropolitan board of public education shall constitute a civil service board for the purpose of investigating and hearing charges against any teacher and for the purpose of dismissing, suspending or otherwise disciplining the same and for the purpose of [section 12.09](#) of this Charter. In the discharge of its duty as a civil service board, the metropolitan board of education is authorized to make rules and regulations. The provisions of [section 12.11](#) of this Charter with reference to offenses against civil service and disabilities of civil service employees shall be applicable to all nonteaching employees of the board of public education. Any teacher suspended or dismissed may obtain a judicial review as provided in section 49-5-513 of Tennessee Code Annotated, the same being a portion of the Teachers' Tenure Act. Any nonteaching employee of the board may have his dismissal reviewed by the court in the same manner provided by [section 12.07\(h\)](#) for classified employees.

(Res. No. 88-526, § 15, 10-4-88)

Sec. 9.11. No diversion of funds.

No funds which have been appropriated for the use of, or transferred to, the metropolitan school system shall be diverted from that use for any other purpose.

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Sec. 9.12. Transfer of school funds within school budget.

The board shall have power at any time to transfer funds within the major items of its budget. It shall also have power to make transfers of funds to, from or between major items in its budget, provided such transfers are not inconsistent with the general law.

Sec. 9.13. Transfers to school fund from general funds; borrowing money.

The metropolitan council by resolution approved by the mayor, may transfer funds to the school fund from the general fund or general accounts of the metropolitan government, or may issue short term anticipation notes to provide such funds if in its judgment it is necessary and proper to provide temporary advances or transfers for the maintenance and operation of the schools. Such temporary advances or transfers shall be repaid or restored out of school funds during the ensuing year.

Sec. 9.14. Acquisition and sale of property.

All school property heretofore belonging to the County of Davidson and all school property heretofore belonging to the City of Nashville shall belong to the Metropolitan Government of Nashville and Davidson County for the use and benefit of the board of education, and the title to all school property hereafter acquired shall be vested in the Metropolitan Government of Nashville and Davidson County for the use and benefit of the board of public education. The board of public education is hereby designated as the legal custodian of all school property; and when in the judgment of said board any property held by it is no longer suited or needed for school purposes, said board is hereby authorized, with the approval of the council and mayor, to sell such property and have the proceeds credited to the unappropriated school fund of the metropolitan government.

In acquiring or selling property, the board shall cooperate closely with the planning commission, whose recommendation shall be sought and carefully considered by the board.

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ARTICLE 10. PUBLIC HEALTH AND HOSPITALS

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[Sec. 10.101. Metropolitan board of health—Created.](#)

[Sec. 10.102. Same—Qualifications, term and selection of members.](#)

[Sec. 10.103. Same—Functions.](#)

[Sec. 10.104. Same—Duties.](#)

[Sec. 10.105. Chief medical director of health—Appointment and qualifications.](#)

[Sec. 10.106. Same—Powers and duties.](#)

[Sec. 10.107. Personnel rules and regulations of the board of health.](#)

[Sec. 10.108. Budget of metropolitan board of health.](#)

[Sec. 10.109. Pension and retirement rights under former county plans.](#)

[Sec. 10.110. Civil service medical examiner; civil service examinations.](#)

Sec. 10.101. Metropolitan board of health—Created.

There shall be a metropolitan board of health which sometimes in this article may be called the "department of health" and sometimes called the "board." The board shall administer and control public health for the metropolitan government as herein provided.

Sec. 10.102. Same—Qualifications, term and selection of members.

The board shall be composed of six (6) members. Three (3) members shall be doctors of medicine certified for practice as such by the state board of medical examiners and licensed by the state licensing board for the healing arts, and each of whom shall have had not less than five years experience in the active practice of his profession. One of said doctors of medicine shall also have had special training, practice and experience in the field of psychiatric medicine. One member shall be a registered nurse. The two remaining members of the board shall be chosen without reference to occupation, except that they shall not come from the medical profession. Members of the board shall serve without compensation.

The members of the board shall be appointed by the mayor and confirmed by a majority of the whole membership of the council. They shall serve terms of five (5) years each, provided that of the first five members, one shall serve for five years, one for four years, one for three years, one for two years and one for one year. The registered nurse shall originally be appointed for a term that coincides with that of the chairman of the board. Any vacancy other than by expiration of term shall be filled for the unexpired term.

(Res. No. 76-172, 9-16-76)

Sec. 10.103. Same—Functions.

The board of health, through its chief medical director, shall exercise all the administrative functions of the metropolitan government pertaining to:

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1. The physical and mental health of the people.
2. The investigation and control of communicable diseases.
3. The regulation of publicly and privately owned institutions for the purpose of sanitation and public health.
4. The enforcement of reasonable rules and regulations promulgated as herein provided.
5. The collection, compilation, tabulation, analyzing and reporting of statistics and data concerning births, still births, deaths and such vital statistics.
6. The performance or the functions previously assigned by law to the health officers or the health departments of the City of Nashville and Davidson County, or such as hereafter may be assigned to city or county health officers or city health departments or county health departments in Tennessee.
7. The inspection of all charitable institutions, all jails and all institutions of the metropolitan government where sick, insane, destitute or other persons are confined. The board may cause any person convicted of violating any law or ordinance and who is confined, or who is on parole, to be examined as to the causes contributing to the delinquency and shall make and keep a record of such examinations.

Sec. 10.104. Same—Duties.

In addition to the duties otherwise imposed by this Charter or by general law, it shall be the duty of the board of health to:

1. Determine and establish the policies to be followed in the exercise of its functions.
2. Establish within the department of health such divisions, branches, or subdivisions, and plan of organization as may be consistent with efficient administration, which organizational plan shall be submitted by the board to the council for approval by ordinance, and which organizational plan may be amended from time to time in like manner.
3. After public hearing adopt reasonable rules and regulations or amend rules and regulations previously adopted as necessary for the protection of the health of the people, which rules and regulations, among other things, shall set standards and procedures and requirements of conduct not less than as set out in regulations of the commissioner of public health of Tennessee. No such rule or regulation shall be contrary to any metropolitan ordinance.
4. Hear and act upon complaints of persons affected by decisions of the chief medical director and to amend or set aside such decisions as are contrary to policies or regulations of the board.
5. Cause to be submitted, with the aid of the department of law, for submission to the council for its consideration, a comprehensive Health Code which shall embrace all matters with relation to public health to which the powers and duties of the board extend, and which shall have as its purpose the preservation and promotion of the health of the people of the metropolitan government.
6. Submit to the mayor, within six months after the beginning of each new term of office, a report upon the activities of the metropolitan board of health and a comprehensive program of public health and indigent medical care.
7. Conduct inquiries, make investigations and hold hearings for the purpose of investigating nuisances, preventing the creation of nuisances, taking other preventative steps to protect the health of the community and for other purposes herein set forth in connection with the powers,

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duties and authorities of the board. In conducting any such inquiry and mailing of any such investigation the board shall have and may exercise the same investigative powers as are vested by this Charter in other metropolitan agencies which are given investigative powers.

8. Contract with other governmental agencies, or with public or private institutions, subject to confirmation by the council by resolution for such services as will further the program and policies of the board.
9. Cause to be prepared by the chief medical director, subject to review and revision by the board, the proposed annual budget for the metropolitan board of health.
10. Cooperate with agencies of the United States and of the State of Tennessee in all matters of public health and sanitation and accept, receive and provide for the use of federal and state grants in aid, state aid and matching funds.
11. Cooperate with privately endowed or operated institutions, funds or foundations in all matters of public health and sanitation and receive and accept and provide for the use of grants from any such institutions, funds or foundations.
12. Exercise such other authority and perform such other duties as may be required by ordinance consistent with the general law and the provisions of this Charter.

Sec. 10.105. Chief medical director of health—Appointment and qualifications.

The board shall appoint a chief medical director of health, herein sometimes called "chief medical director," and may enter into an employment contract with such person for a period not exceeding five (5) years, and at a compensation to be fixed by the board. Such compensation so fixed shall be subject to approval by the council by resolution. The chief medical director shall be a doctor of medicine certified for practice as such by the state board of medical examiners, and licensed by the state licensing board for the healing arts. He shall have had not less than ten years' previous experience in the active practice of his profession, or in the field of public health administration. He shall devote his entire time to the duties of his office.

Sec. 10.106. Same—Powers and duties.

The chief medical director shall be the chief administrative officer of the board. He shall be responsible to the board for the administration and execution of its program and policies. Within the policies set forth by the board he shall have general management and control of any divisions of the department and such other administrative units as may be created by the board or by ordinance. With the approval of the board, pursuant to established personnel policies, and subject to the provisions of this article, he shall appoint and remove the heads of the divisions and other officers and employees of the board. He shall have such other powers and duties as may be authorized by general law, by this Charter or by ordinance.

Sec. 10.107. Personnel rules and regulations of the board of health.

The metropolitan board of health, consistent with the standards of the merit system of the United States Public Health service, shall establish, adopt and make available for distribution, its rules, regulations and policy statement concerning its personnel policy, the manner and method of employing personnel, the requirements with reference to the qualifications of both professional and nonprofessional personnel, salaries, vacations, sick leave, job security, retirement policy, and other related terms and conditions of employment by the board.

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The board shall constitute a civil service board with respect to employees of the board of health for the purpose of [section 12.09](#) of this Charter and for the purpose of investigating and hearing charges against any professional or nonprofessional employee, and for the purpose of dismissing, suspending or otherwise disciplining any such employee, or reviewing any decision of the chief medical director affecting the employment status of such employee. In the discharge of its duties as a civil service board, the board shall act pursuant to its rules and regulations governing personnel policies promulgated as hereinabove stated, and shall have the same investigative powers as vested by this Charter in other agencies of the metropolitan government in which investigative power is vested. Any employee of the board dismissed or discharged pursuant to the action of the Board after hearing, may have such discharge or dismissal reviewed in the same manner as is provided in this Charter for the review of actions of the civil service commission under certain conditions.

Sec. 10.108. Budget of metropolitan board of health.

The board shall submit to the mayor, through the director of finance, the budget for the metropolitan board of health. If the mayor shall make any change therefrom in the budget submitted by him to the council, it shall be his duty to inform the council with respect to such change and the original proposals of the board.

Sec. 10.109. Pension and retirement rights under former county plans.

All rights and benefits which any officer or employee of the county board of health of Davidson County or of the county health office has acquired under any pension plan established before the effective date of this Charter¹ are preserved and continued, as otherwise provided in this Charter.

1. April 1, 1963.

Sec. 10.110. Civil service medical examiner; civil service examinations.

The chief medical director shall designate a qualified professional member of his medical staff as civil service medical examiner to conduct physical examinations for civil service personnel, including applicants for appointments, to conduct examinations for persons in retired status and applicants for retirement benefits, and to conduct periodical examinations for drivers of vehicular equipment of the metropolitan government. In addition, the civil service medical examiner shall conduct physical examinations when requested by any board or agency of the metropolitan government but solely for metropolitan government purposes; or as provided by ordinance.

CHAPTER 2. PUBLIC HOSPITALS*

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*Editor's note—The Hospital Authority of the Metropolitan Government of Nashville and Davidson County was created by Substitute Resolution No. R99-1410, adopted March 2, 1999.

State law reference—Metropolitan Hospital Authority Act, T.C.A. § 7-57-501 et seq.

[Sec. 10.201. Metropolitan board of hospitals—Created.](#)

[Sec. 10.202. Same—Qualifications, term and selection of members.](#)

[Sec. 10.203. Same—Functions.](#)

[Sec. 10.204. Director of hospitals—Appointment and qualifications.](#)

[Sec. 10.205. Same—Powers and duties.](#)

[Sec. 10.206. Personnel rules and regulations of the board of hospitals.](#)

[Sec. 10.207. Pension and retirement rights under former city or county plans.](#)

Sec. 10.201. Metropolitan board of hospitals—Created.

There shall be a metropolitan board of hospitals, which sometimes in this article is called the "board." The board shall administer and control hospitals for the Metropolitan Government of Nashville and Davidson County as herein provided.

Sec. 10.202. Same—Qualifications, term and selection of members.

The board shall be composed of seven (7) members. Three (3) members shall be doctors of medicine certified for practice as such by the state board of medical examiners and licensed by the state licensing board for the healing arts, and each of whom shall have had not less than five (5) years' experience in the active practice of his profession. One of said doctors of medicine shall also have had special training, practice and experience in the field of psychiatric medicine. One member shall be a registered nurse. The three remaining members of the board shall be chosen without reference to occupation or profession. Members of the board shall serve without compensation.

The members of the board shall be appointed by the mayor and confirmed by a majority of the whole membership of the council. They shall serve terms of five years each, provided that of the first seven members, two shall serve for five years, one for four years, two for three years, one for two years and one for one year. Any vacancy other than by expiration of term shall be filled for the unexpired term.

Sec. 10.203. Same—Functions.

The board of hospitals, through the director of hospitals, shall exercise all the administrative functions of the metropolitan government pertaining to the operation of all institutions owned, maintained or operated by the metropolitan government for the examination, treatment, convalescence or detention

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of the sick, injured or physically or mentally ill. Said board shall determine and establish the policies to be followed in the exercise of its function and it may receive, accept and provide for the use of funds from any governmental agency, by any public or private institution or by any individual.

Sec. 10.204. Director of hospitals—Appointment and qualifications.

The board of hospitals shall appoint a director of hospitals, herein sometimes called "director," and may enter into an employment contract with such person for a period not exceeding five (5) years, and at a compensation to be fixed by the board. The director shall be a person who has had at least five (5) years' experience in hospital administration or at least ten (10) years' experience in some other executive or major administrative position.

Sec. 10.205. Same—Powers and duties.

The director shall be the chief administrative officer of the board of hospitals. He shall be responsible to the board for the administration and execution of its program and policies. Within the policies set forth by the board, he shall have general management and control of all hospitals and institutions administered by the board. With the approval of the board, pursuant to established personnel policies, and subject to the provisions of this article, he shall appoint and remove the other officers and employees of the board. He shall have such other powers and duties as may be authorized by general law, by this Charter or by ordinance.

Sec. 10.206. Personnel rules and regulations of the board of hospitals.

The board of hospitals shall establish, adopt and make available for distribution its rules, regulations and policy statement concerning its personnel policy, the manner and method of employing personnel, the requirements with reference to the qualifications of both professional and nonprofessional personnel, salaries, vacations, sick leave, job security, retirement policy, and other related terms and conditions of employment by the board.

The board shall constitute a civil service board with respect to employees of said board for the purpose of [section 12.09](#) of this Charter and for the purpose of investigating and hearing charges against any professional employee, and for the purpose of dismissing, suspending or otherwise disciplining any such employee, or reviewing any decision of the director affecting the employment status of such employee. In the discharge of its duties as a civil service board, the board shall act pursuant to its rules and regulations governing personnel policies promulgated as hereinabove stated, and shall have the same investigative powers as vested by this Charter in other agencies of the metropolitan government in which investigative power is vested. Any employee of the board dismissed or discharged pursuant to the action of the board after hearing may have such discharge or dismissal reviewed in the same manner as is provided by this Charter for review of actions of the civil service commission under certain conditions.

Sec. 10.207. Pension and retirement rights under former city or county plans.

All rights and benefits which any person has acquired as an employee of any hospital or institution owned, maintained or operated by the City of Nashville or the County of Davidson are preserved and continued as otherwise provided in this Charter.

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ARTICLE 11. ADMINISTRATIVE BOARDS AND COMMISSIONS

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[Sec. 11.101. General provisions control except as specified.](#)

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Sec. 11.101. General provisions control except as specified.

The following general provisions shall apply to all administrative boards and commissions established by this article or other provisions of this Charter, except as specific provisions as to a particular board or commission otherwise provide.

Sec. 11.101.1. Holding over of member after expiration of term; appointment of successor, reappointment.

Any member of an administrative board or commission established under the provisions of this charter or by ordinance of the metropolitan county council and whose term has expired, may remain as a member of said board or commission no longer than sixty (60) days after the expiration of his term. Should the mayor or other appointing authority fail to appoint a successor or reappoint the member within sixty (60) days after expiration of his term, the position shall be deemed vacated and the power and authority to appoint shall be vested in the vice-mayor subject to confirmation by the council in the same manner as prescribed by this charter.

Should the mayor or other appointing authority appoint a successor or reappoint the member prior to or within sixty (60) days of the expiration of the term, and the metropolitan council fail[s] to act on the appointment within sixty (60) days of receipt of the letter of appointment from the mayor or other appointing authority, the appointment shall be conclusively presumed approved by the council.

Should an appointee be rejected by the council, the mayor or other appointing authority shall have sixty days to submit a new appointee to said council, provided the mayor or other appointing authority shall not resubmit the rejected appointee's name for consideration for the same position for a period of one (1) year.

(Res. No. 74-869 § 1, 11-5-74)

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CHAPTER 1. GENERAL PROVISIONS

Sec. 11.102. Qualifications of members.

Every member shall have been a resident of the area of the metropolitan government for not less than one (1) year prior to his appointment and shall continue to be so eligible so long as he shall serve.

(Amended by Amdt. 6 to referendum petition approved November 7, 2006)

Sec. 11.103. Quorum.

A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business.

Sec. 11.104. Regular and special meetings.

Each board or commission shall hold regular meetings at least quarterly for the conduct of its business and may hold more frequent regular meetings as its by-laws may provide; and it may hold special meetings as may be deemed necessary, the same to be called or held as provided in its by-laws.

Sec. 11.105. Election of chairman, vice-chairman and secretary.

Each board or commission shall elect one of its members as chairman and another as vice-chairman, who shall serve for a period of one (1) year or until his successor shall have been chosen; and it may elect as its secretary one of its own members or it may appoint as secretary one of its employees.

Sec. 11.106. Members to hold no other metropolitan office or position.

No appointive member of any board or commission shall hold any other remunerative public office or position in the metropolitan government, except as otherwise specifically provided in this Charter.

Sec. 11.107. By-laws, rules and regulations to be filed with metropolitan clerk.

Each board or commission may make such by-laws, rules and regulations, not inconsistent with law, as it deems appropriate for the conduct of its business, copies of which shall be filed with the metropolitan clerk and with the secretary of the board or commission.

Sec. 11.108. Employment of personnel.

Except as otherwise provided in this Charter, each board or commission is authorized to employ such personnel as may be necessary to perform its functions and as may be within the limits of its budget appropriations.

Sec. 11.109. Removal of members.

Any appointive member of any board or commission established under the provisions of this Charter or by ordinance may be removed from office by a three-fourths ($\frac{3}{4}$'s) vote of the entire membership of the council.

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CHAPTER 1. GENERAL PROVISIONS

(Added by Amdt. 1 to referendum petition approved June 11, 1991)

CHAPTER 2. BOARD OF EQUALIZATION

CHAPTER 2. BOARD OF EQUALIZATION

[Sec. 11.201. Established; members, appointment, qualifications and vacancies.](#)

[Sec. 11.202. Powers and duties.](#)

[Sec. 11.203. Right of complaint.](#)

[Sec. 11.204. Compensation of board members.](#)

[Sec. 11.205. General law applicable.](#)

Sec. 11.201. Established; members, appointment, qualifications and vacancies.

There is hereby established a metropolitan board of equalization, which shall consist of five (5) members appointed by the mayor for a term of two (2) years, and confirmed by a majority vote of the whole membership of the council. Said members shall be owners of taxable real property within the territorial limits of the metropolitan government and shall have been residents therein for a period of at least six (6) years prior to their appointment. At least two (2) members shall reside within and own taxable real property within the urban services district; and at least two (2) members shall reside without and own taxable real property without the urban services district. A member shall create a vacancy on the board if during his term of office he does not meet the requirements of appointment. All vacancies shall be filled for the unexpired term in the same manner as original appointments.

Sec. 11.202. Powers and duties.

Said board shall meet in a metropolitan public building on the second Monday in April of each year, and sit in regular session as necessity may require until the equalization has been completed, which shall not be later than June 1st. The board shall give notice in a principal newspaper of daily circulation published in the metropolitan area at least five (5) days prior to the initial meeting, stating the time, place, and hours of such meeting.

It shall be the duty of the metropolitan board of equalization carefully to examine, compare and equalize the assessments of property and merchants' ad valorem assessments within the territorial limits of the metropolitan government, and in so doing, together with the performance of all its other functions, be governed by the general laws regulating county or city boards of equalization, except as otherwise specified in this Charter.

Not later than fifteen (15) days after its adjournment, the board shall cause to be published in a principal daily newspaper published in the metropolitan area, a list of all taxpayers whose assessments were increased or decreased by said board, giving the names of taxpayers, location of the property, and the amount of increase or decrease as compared with the assessment of the metropolitan tax assessor.

Not later than fifteen (15) days after its adjournment, said board shall certify the assessments. The tax rolls shall then be turned over to the division of collections in the metropolitan department of finance at least fifteen (15) days prior to the date that taxes become due and payable.

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CHAPTER 2. BOARD OF EQUALIZATION

Sec. 11.203. Right of complaint.

Any owner of taxable property shall have the right to make complaint before the metropolitan board of equalization. Upon such complaint, the board may hear any evidence or witnesses offered by the complainant or take other such steps as it may deem necessary to the investigation of the complaint, and pass upon the question justly and equitably. The board shall pass upon each complaint and either dismiss the complaint or grant all or part of the relief requested.

All decisions of the board of tax equalization shall be final and conclusive unless within the time permitted by law the taxpayer appeals from said decision to the state board of equalization and the action of the latter board shall be final, but always subject to such judicial review as may be permitted by law.

Sec. 11.204. Compensation of board members.

Members of the board shall receive compensation as provided by Tennessee Code Annotated, section 67-1-403, for members of county boards of equalization.

(Res. No. 88-526, § 16, 10-4-88)

Sec. 11.205. General law applicable.

The metropolitan board of equalization shall be governed by general laws regulating county or city boards of equalization, except as specified in this Charter.

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CHAPTER 3. ELECTRIC POWER BOARD

CHAPTER 3. ELECTRIC POWER BOARD

[Sec. 11.301. Electric Power Board of Nashville continued as metropolitan agency.](#)

Sec. 11.301. Electric Power Board of Nashville continued as metropolitan agency.

The Electric Power Board of Nashville, created and established by chapter 246, Private Acts of 1947, and amendatory acts, the same being the Charter of the City of Nashville, shall continue to exist as the Electric Power Board of the Metropolitan Government of Nashville and Davidson County and to function as an agency of the metropolitan government, and shall have all the rights, duties, powers, obligations, privileges and responsibilities as are contained in the terms and provisions of said Private Acts or Municipal Charter. A copy of the terms and provisions of said Private Acts or Municipal Charter, with modifications limited to those changes necessary and proper to constitute said electric power board an agency of the metropolitan government, is attached to this Charter and made a part hereof as Appendix Three hereto.

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CHAPTER 4. NASHVILLE TRANSIT AUTHORITY

CHAPTER 4. NASHVILLE TRANSIT AUTHORITY

[Sec. 11.401. Nashville Transit Authority continued as metropolitan agency.](#)

Sec. 11.401. Nashville Transit Authority continued as metropolitan agency.

The Nashville Transit Authority, created and established by chapter 487, Private Acts of 1953 and amendatory acts, the same being amendments to the Charter of the City of Nashville, shall continue to exist and to function as an agency of the metropolitan government and shall have all the rights, duties, powers, obligations, privileges and responsibilities as are contained in the terms and provisions of said Private Acts or Municipal Charter; provided, that members of said authority shall be appointed by the mayor and confirmed by a majority vote of the whole membership of the council. A copy of the terms and provisions of said Private Acts or Municipal Charter, with modifications limited to those changes necessary and proper to constitute said Nashville Transit Authority as an agency of the metropolitan government, is attached to this Charter and made part hereof as Appendix Four hereto.

CHAPTER 5. METROPOLITAN PLANNING COMMISSION

CHAPTER 5. METROPOLITAN PLANNING COMMISSION

[Sec. 11.501. Established.](#)

[Sec. 11.502. Number, qualifications, appointment, terms of office and vacancies of members.](#)

[Sec. 11.503. Organization; officers; meetings; quorum; business; records.](#)

[Sec. 11.504. Powers, duties and responsibilities.](#)

[Sec. 11.505. Mandatory referrals to planning commission.](#)

[Sec. 11.506. Department of planning; executive director.](#)

Sec. 11.501. Established.

There shall be a metropolitan planning commission, sometimes in this chapter called "the commission," which shall be the official planning agency for the Metropolitan Government of Nashville and Davidson County.

Sec. 11.502. Number, qualifications, appointment, terms of office and vacancies of members.

The commission shall consist of ten (10) members. The mayor shall serve as a member of the commission by virtue of his public office and one (1) member of the metropolitan county council shall be selected by that body from its membership to serve as a member of the commission for a term of two (2) years.* The member of the council selected to serve as a member of this commission shall be the chairman of the council committee on planning, provided such a committee is established. Eight (8) members shall be appointed by the mayor and shall be confirmed by a majority vote of the whole membership of the council.

The eight (8) members appointed by the mayor shall serve a term of four (4) years, respectively, or until a successor is duly appointed and qualified; except, of the members first appointed, two (2) shall serve for a term of one (1) year, two (2) for a term of two (2) years, two (2) for a term of three (3) years, and two (2) for a term of four (4) years.**

Any vacancy occurring during the unexpired term of any member shall be filled in the manner prescribed herein for the original selection of the members of this commission.

* Editor's note—Prior to September 1, 1996, this sentence read, "The mayor shall serve as a member of the commission by virtue of his public office and one (1) member of the metropolitan county council shall be selected by that body from its membership to serve as a member of this commission." This addition of language specifying the length of term was approved by referendum election held November 8, 1994.

** Editor's note—Prior to September 1, 1996, this sentence was followed by another sentence that read, "The terms of the mayor and the members of the council shall be coextensive with the

CHAPTER 5. METROPOLITAN PLANNING COMMISSION

terms of their respective public positions." Its deletion was approved by a referendum election held November 8, 1994.

Sec. 11.503. Organization; officers; meetings; quorum; business; records.

Immediately upon appointment and qualification, the metropolitan planning commission shall elect one of its appointive members as chairman and one as vice-chairman, each of whom shall serve for a period of one (1) year, respectively, or until his successor shall have been chosen for the ensuing term. The commission may choose such other officers as it deems necessary.

The metropolitan planning commission shall meet regularly at a public building at least once a month and its meetings shall be open to the public. Special meetings may be called by the chairman of the commission or by any three (3) members thereof. Six (6) members shall constitute a quorum for the transaction of any business, which shall be accomplished in accordance with bylaws adopted by the commission. A majority vote of the members present and constituting a quorum shall be necessary to decide any item of business requiring action by the commission. The commission shall maintain a record of its meetings and all actions taken and these records shall be open to the public.

Sec. 11.504. Powers, duties and responsibilities.

The metropolitan planning commission shall have all of the powers, duties and responsibilities which are now or may be hereafter granted to municipal planning commissions, regional planning commissions or metropolitan planning commissions by general state law, including specifically but not limited to such powers, duties and responsibilities with respect to general planning, zoning and subdivision regulations as are granted by the following chapters of [title 13](#) (Public Planning and Housing) of the Tennessee Code Annotated: chapter 3, part 1 (Regional Planning Commissions); chapter 3, part 4 (Regional Planning Regulations); chapter 7, part 1 (County Zoning Regulations); chapter 4, part 1 (Municipal Planning Commissions); chapter 4, part 3 (Municipal Planning Regulations); and chapter 7, part 2 (Municipal Zoning Regulations); provided such powers, duties and responsibilities are not in conflict with the provisions of this article. To the extent that there is any conflict between the powers given a metropolitan planning commission and the powers given a municipal planning commission or a regional planning commission, the commission hereby created shall be deemed a metropolitan planning commission; and to the extent that there is any conflict between the powers given a municipal planning commission and the powers given a regional planning commission, the commission hereby created shall be deemed a municipal planning commission. In addition thereto, the commission shall have such powers, duties and responsibilities as are provided by ordinance.

In the performance of these powers, duties and responsibilities, the metropolitan planning commission shall have the authority, and where appropriate to the context shall be required, to:

- (a) Within its budget appropriation and other funds at its disposal employ personnel and enter into contracts for such services as it may require.
- (b) Enter into agreements and receive such grants and/or assistance as may be available from the federal or state governments for planning purposes; receive gifts for planning purposes.
- (c) Require information which shall be furnished within a reasonable time from the other departments and agencies of the metropolitan government.
- (d) Enter upon any land and make examinations and surveys and place and maintain necessary monuments and markers thereon.

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- (e) Make, amend and add to the master or general plan for the physical development of the entire metropolitan government area.
- (f) Exercise control over platting or subdividing of land within the metropolitan government area.
- (g) Draft for the council an official map of the area and recommend or disapprove proposed changes in such map.
- (h) Make and adopt a zoning plan and recommend or disapprove proposed changes in such plan.
- (i) Make, in cooperation with the metropolitan government housing authority, and adopt plans for the clearance and rebuilding of slum areas and for the improvement of blighted areas within the metropolitan government area.
- (j) Make and adopt plans for the replanning, conservation, improvements and renewal of neighborhoods, planning units and communities within the metropolitan government area.
- (k) Submit annually to the mayor, not less than sixty (60) days prior to the beginning of the budget year, a list of recommended capital improvements which in the opinion of the commission are necessary or desirable to be constructed or otherwise provided during the forthcoming six-year period. Such lists shall be arranged in order of preference with recommendations as to which projects shall be constructed in which years.
- (l) Promote public interest in and understanding of planning and its organization and operation, the master or general plan and its constituent parts, and the implementation of planning, including zoning, subdivision regulation, urban renewal, the official map and capital improvements programming.

(Res. No. 88-526, § 17, 10-4-88)

Sec. 11.505. Mandatory referrals to planning commission.

Whenever the commission shall have adopted the master or general plan of the metropolitan government area or any part thereof, then and thenceforth no street, park or other public way, ground, place or space, no public building or structure, or no public utility whether publicly or privately owned, shall be constructed or authorized in the area under the jurisdiction of the metropolitan government until and unless the location and extent thereof shall have been submitted to and approved by the planning commission; provided, that in case of disapproval, the commission shall communicate its reasons to the council and said council by a vote of a majority of its membership, shall have the power to overrule such disapproval and, upon such overruling, said council shall have the power to proceed. The widening, narrowing, relocation, vacation, change in the use, acceptance, acquisition, sale or lease of any street or public way, ground, place, property or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the commission to act within thirty (30) days from and after the date of official submission to it shall be deemed approval, unless a longer period be granted by the submitting body, board or official.

Sec. 11.506. Department of planning; executive director.

There shall be a department of planning, headed by an executive director. The planning commission shall appoint an executive director and may enter into an employment contract with such person for a period not exceeding five (5) years, and at a compensation to be fixed by the commission.

The executive director shall attend all meetings of the metropolitan planning commission, act as its secretary, keep minutes of its proceedings, direct the staff of the commission in its work, and shall have

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such other authority, duties and responsibilities as the commission may require and establish or as may be provided by ordinance.

The executive director shall have such executive authority, duties and responsibilities as are now or may be hereafter provided by general state law concerning municipal planning commissions, regional planning commissions or metropolitan planning commissions.

The department of planning shall be organized in such manner deemed appropriate by the planning commission for the performance of its work.

CHAPTER 6. METROPOLITAN BOARD OF FAIR COMMISSIONERS

CHAPTER 6. METROPOLITAN BOARD OF FAIR COMMISSIONERS

[Sec. 11.601. Created; number, qualifications, appointment and term of office of members.](#)

[Sec. 11.602. Functions and duties.](#)

Sec. 11.601. Created; number, qualifications, appointment and term of office of members.

There shall be a metropolitan board of fair commissioners, which shall consist of five (5) members to be appointed by the mayor and confirmed by a majority of the whole membership of the council. The members of the board shall serve for terms of five (5) years each, except that the members first appointed, one (1) shall serve for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, and one (1) for a term of five (5) years. Any vacancy occurring during the term of a member shall be filled in the manner prescribed for the original appointment and shall be for the unexpired portion of the term.

Sec. 11.602. Functions and duties.

It shall be the duty of the metropolitan board of fair commissioners to:

- (a) Exercise all the powers and perform all the duties heretofore or hereafter imposed on the Board of Fair Commissioners of Davidson County, as established by chapter 490 of the Acts of Tennessee for 1909 and chapter 515 of the Private Acts of 1923 and amendments thereto.
- (b) Within the limitation of its budget appropriation and funds otherwise available, employ and fix the compensation of such personnel as may be necessary.
- (c) Perform such other duties as may be imposed upon the board by ordinance.
- (d) All activities being conducted on the premises of the Tennessee State Fairgrounds as of December 31, 2010, including, but not limited to, the Tennessee State Fair, Expo Center Events, Flea Markets, and Auto Racing, shall be continued on the same site. No demolition of the premises shall be allowed to occur without approval by ordinance receiving 27 votes by the Metropolitan Council or amendment to the Metropolitan Charter.

(Amended by Amdt. 1 to referendum petition approved August 4, 2011)

CHAPTER 7. FARMERS MARKET BOARD

CHAPTER 7. FARMERS MARKET BOARD

[Sec. 11.701. Created; number, qualifications, appointment and term of office of members.](#)

[Sec. 11.702. Functions and duties.](#)

Sec. 11.701. Created; number, qualifications, appointment and term of office of members.

There shall be a farmers' market board, which shall consist of five (5) members to be appointed by the mayor and confirmed by a majority of the whole membership of the council. The members of the board shall hold no other public office or position, and shall serve for terms of five (5) years each, except that of the members first appointed, one (1) shall serve for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, and one (1) for a term of five (5) years. Any vacancy occurring during the term of a member shall be filled in the manner prescribed for the original appointment and shall be for the unexpired portion of the term.

Sec. 11.702. Functions and duties.

It shall be the duty of the farmers' market board to:

- (a) Exercise all the powers and perform all the duties heretofore or hereafter imposed on the "Davidson County Farmers Market Commission", as established by chapter 400 of the Private Acts of 1949 and any amendments thereto.
- (b) Within the limitation of its budget appropriation and funds otherwise available, employ and fix the compensation of such personnel as may be necessary.
- (c) Perform such other duties as may be imposed upon the board by ordinance.

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CHAPTER 8. AGRICULTURAL EXTENSION BOARD

CHAPTER 8. AGRICULTURAL EXTENSION BOARD

[Sec. 11.801. Created; number, qualifications, appointment and term of office of members.](#)

[Sec. 11.802. Functions and duties.](#)

Sec. 11.801. Created; number, qualifications, appointment and term of office of members.

There shall be an agricultural extension board which shall consist of seven (7) members to be appointed by the mayor and confirmed by a majority of the whole membership of the council. The members of the board shall have been residents of the area of the general services district outside of the urban services district for not less than two (2) years prior to the appointment and shall continue such residence as a qualification for membership. At least two (2) members of the board shall be female homemakers. The members of the board shall serve for terms of three (3) years each, except that of the members first appointed, two (2) shall serve for a term of one (1) year, two (2) for a term of two (2) years, and three (3) for a term of three (3) years.

Sec. 11.802. Functions and duties.

It shall be the duty of the agricultural extension board to:

- (a) Exercise all the powers and perform all the duties of the county agricultural extension committee provided for by Tennessee Code Annotated, section 49-50-104, and otherwise to carry out the purpose of sections 49-50-101 to 49-50-106 of Tennessee Code Annotated by cooperating with the United States Department of Agriculture and the appropriate agencies of the State of Tennessee.
- (b) Within the limitations of its budget appropriation and funds otherwise available, employ and fix the compensation of such personnel as may be necessary.
- (c) Perform such other duties as may be imposed upon the board by ordinance.

(Res. No. 88-526, §§ 18, 19, 10-4-88)

CHAPTER 9. METROPOLITAN TRAFFIC AND PARKING COMMISSION

CHAPTER 9. METROPOLITAN TRAFFIC AND PARKING COMMISSION

[Sec. 11.901. Created; qualifications, term and selection of members.](#)

[Sec. 11.902. Secretary.](#)

[Sec. 11.903. Chief traffic engineer.](#)

[Sec. 11.904. Function of commission as to traffic regulation.](#)

[Sec. 11.905. Commission's review of proposed ordinances.](#)

[Sec. 11.906. Publication of traffic rules and regulations.](#)

[Sec. 11.907. Management and control of parking meters, garages and other traffic facilities.](#)

[Sec. 11.908. Powers of commission by private act and ordinance continued.](#)

Sec. 11.901. Created; qualifications, term and selection of members.

There shall be a metropolitan traffic and parking commission, sometimes in this chapter called "the commission." The commission shall consist of nine (9) members, who shall serve as such without compensation. One (1) member of the commission shall be the chief of police. One (1) member shall be a member of the council selected by the council for a term of two (2) years.* The remaining seven (7) members of the commission shall be appointed by the mayor and confirmed by a majority of the whole membership of the council. Said seven (7) members shall serve terms of five (5) years each, provided that the first members appointed shall serve terms of one (1), two (2), three (3), four (4) and five (5) years respectively. Any vacancy due to any cause shall be filled for the unexpired term in the same manner as the original appointment.

* Editor's note—Effective November 8, 1994, this sentence will read "One (1) member shall be a member of the council selected by the council for a term of two (2) years." This change was approved by referendum election held November 8, 1994.

Sec. 11.902. Secretary.

The secretary shall serve at the pleasure of the commission and shall be paid such compensation as shall be fixed by the commission within its budgeted appropriation.

Sec. 11.903. Chief traffic engineer.

The commission is authorized to select a chief traffic engineer, subject to the civil service provisions of [article 12](#) of this Charter, who shall have such duties as may be prescribed by the commission. The chief traffic engineer shall be a graduate of a school of traffic engineering and shall have had at least five (5) years' experience in traffic administration.

CHAPTER 9. METROPOLITAN TRAFFIC AND PARKING COMMISSION

Sec. 11.904. Function of commission as to traffic regulation.

For the purpose of making the roads, streets and other public ways safe for pedestrians, motorists and others, and for the purpose of facilitating the flow of traffic thereon, the commission is hereby authorized to adopt and publish traffic regulations, including the erection of proper signs necessarily and properly connected with or incident to the following:

- (a) The location and time when parking shall be limited.
- (b) Places where parking shall be prohibited entirely or only during certain hours.
- (c) The establishment of stop sign controls for through streets or isolated intersections.
- (d) The establishment of traffic signal controls.
- (e) The direction in which traffic may use any street or portion of a street.
- (f) Restrictions on the size of vehicles using certain streets.
- (g) The establishment of speed zones upon metropolitan streets and roads based upon the findings of the commission. When such zones are properly signposted, the speed indicated on the signs shall be the legal speed limit.

Such traffic regulations adopted by the commission shall take effect five (5) days after they have been published in a daily newspaper of general circulation within the area of the metropolitan government and after a certified copy thereof has been filed with the metropolitan clerk and the chief of police. Such regulations, when so adopted, shall have the force and effect of an ordinance and shall be enforced by the metropolitan police. The metropolitan council shall provide by ordinance for the punishment of violators of such traffic regulations and shall fix proper and adequate fines and penalties.

Sec. 11.905. Commission's review of proposed ordinances.

Where a proposed ordinance affects traffic control or the use of streets by traffic and is not accompanied at introduction by a favorable recommendation of the traffic and parking commission, a copy thereof shall be promptly delivered by the metropolitan clerk to the commission and the same shall not be passed on second reading until the recommendation of said commission with respect to the proposal has been received, or thirty (30) days have elapsed without such recommendation. No ordinance which affects traffic control or the use of streets by traffic and which has been disapproved by the commission shall be finally passed or become effective unless it shall have been adopted by a two-thirds (2/3) majority of the whole membership of the metropolitan council and also then be approved by the metropolitan mayor with a three-fourths majority of the whole membership of the metropolitan council required to override a veto.

Sec. 11.906. Publication of traffic rules and regulations.

It shall be the duty of the commission to publish the traffic rules and regulations of the metropolitan government in convenient pamphlet form, and in the compiling of such rules and regulations the commission may call on the metropolitan department of law for such assistance as may be required.

CHAPTER 9. METROPOLITAN TRAFFIC AND PARKING COMMISSION

Sec. 11.907. Management and control of parking meters, garages and other traffic facilities.

The commission shall have power to control and manage parking facilities in any metropolitan street or road, including the installation of parking meters or other necessary equipment in connection therewith. The commission shall prescribe and may revise a schedule of service charges in connection with the use of parking meters, a copy of which schedule shall be kept on file and subject to public inspection at the office of the commission and at the office of the metropolitan clerk.

The commission shall also have control and management of any public parking garage or other traffic facilities, and with the acquisition, construction and establishment of the same. The commission may enter into lease agreements with private operators to operate the parking facilities owned by the metropolitan government. The commission is authorized to collect rents, fees or other charges for such parking garage and other traffic facilities as it may operate and manage.

All moneys collected by the commission from parking meters, or any other service charges, shall be remitted by it to the metropolitan treasurer, who shall keep such moneys in a separate account earmarked for traffic and parking improvements.

Sec. 11.908. Powers of commission by private act and ordinance continued.

In addition to other powers herein granted, the commission shall have such powers as may have been granted by private act or ordinance to the traffic commission of the City of Nashville or to the parking board of said city, until such powers may be modified or changed by ordinance of the metropolitan council.

CHAPTER 10. METROPOLITAN BOARD OF PARKS AND RECREATION

CHAPTER 10. METROPOLITAN BOARD OF PARKS AND RECREATION

[Sec. 11.1001. Established; qualifications, term and selection of members.](#)

[Sec. 11.1002. Powers and duties.](#)

[Sec. 11.1003. Director of parks and recreation—Qualifications.](#)

[Sec. 11.1004. Same—Powers and duties.](#)

[Sec. 11.1005. Police protection for parks.](#)

Sec. 11.1001. Established; qualifications, term and selection of members.

There shall be a metropolitan board of parks and recreation, sometimes in this chapter called "the board." The board shall consist of seven (7) members, who shall serve without compensation. One of the members of the board shall be a member of the board of education, selected by said board of education for a term of one (1) year; and another member of the board shall be a member of the planning commission, selected by said planning commission for a term of one (1) year. Five (5) members of the board, who shall hold no other public office, shall be appointed by the mayor and confirmed by a majority of the whole membership of the council. Said five (5) members shall serve terms of five (5) years each, provided that the first members appointed shall serve terms of one (1), two (2), three (3), four (4) and five (5) years, respectively. Any vacancy due to any cause, other than expiration of term, shall be filled for the unexpired term.

Sec. 11.1002. Powers and duties.

The board shall have the following powers and duties:

1. The board shall supervise, control and operate the park and recreation system of the metropolitan government.
2. It shall formulate the policies to be followed in the administration of the park and recreation system; and shall promulgate such rules and regulations as may be appropriate with respect to the administration of its policies.
3. It shall employ, subject to the civil service provisions of this Charter and within its budget appropriation and other available funds, a director of parks and recreation and such superintendents and other employees as it deems necessary.
4. It shall review, approve, reject or amend the annual budget request as compiled by the director.
5. It shall recommend to the council (a) the sale of any lands owned by the metropolitan government for park or recreation purposes and no longer needed for such purposes, (b) the acquisition by condemnation of any additional lands needed for park or recreation purposes, and (c) the acceptance of any gift of lands offered for park or recreation purposes and useful for such purposes. In the acquisition or disposition of land, the board shall cooperate closely with the planning commission, whose recommendations shall be sought and carefully considered by the board.

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6. It shall have the authority to establish the fees and charges within the administration of the park and recreation department. It shall have sole authority of all matters pertaining to the operations of concessions.

Sec. 11.1003. Director of parks and recreation—Qualifications.

The director of parks and recreation shall have at least five (5) years' experience in park or recreation administration in a supervisory or executive capacity.

Sec. 11.1004. Same—Powers and duties.

The director shall be the chief administrative officer in charge of the management of public parks, playgrounds and other recreational areas and of a comprehensive recreation program for the area of the metropolitan government. He shall administer the policies of the board, recommend rules and regulations to the board for its consideration, and perform such other duties as may be assigned to him by the board or by ordinance.

Sec. 11.1005. Police protection for parks.

The board may employ custodial personnel who shall be designated as special police by the chief of police, without obligation to give a public officer's liability bond as provided for by [section 8.205](#) of this Charter, and whose jurisdiction as special police shall be limited to the area of parks, playgrounds and other recreational areas. This section shall not be deemed to interfere with the right of the department of police to exercise police jurisdiction within said areas, nor with the duty to provide such police personnel as may be reasonably requested by the director of parks and recreation for the maintenance of law and order therein.

CHAPTER 11. METROPOLITAN SOCIAL SERVICES COMMISSION*

CHAPTER 11. METROPOLITAN SOCIAL SERVICES COMMISSION*

* Editor's note—By an amendment approved at an election held Aug. 4, 1983, §§ 11.1101, 11.1103 were amended by changing "welfare" to "social services." The editor has made a similar change in the chapter title.

[Sec. 11.1101. Created; qualifications, term and selection of members.](#)

[Sec. 11.1102. Powers and duties.](#)

[Sec. 11.1103. Director of social services.](#)

Sec. 11.1101. Created; qualifications, term and selection of members.

There is hereby created and established a metropolitan social services commission, sometimes in this chapter called "the commission." The commission shall consist of seven (7) members who shall serve without compensation. The members of the commission shall be appointed by the mayor and confirmed by a majority vote of the whole membership of the council. The seven (7) members shall serve terms of five (5) years each; provided, that two members shall be initially appointed for one year, two for two years, one for three years, one for four years and one for five years, respectively. Thereafter, as their respective terms expire, members shall be chosen for five years. Any vacancy, other than by expiration of term, shall be filled for the unexpired term.

Sec. 11.1102. Powers and duties.

The commission shall have the following powers or duties:

1. To administer general assistance to residents of the metropolitan government area and emergency assistance to residents and nonresidents of such area under such terms and conditions as may be prescribed by the commission in its rules and regulations.
2. To make social investigations and reports to the council, the selective service and other governmental agencies.
3. To engage in study and research regarding the cause of financial dependency, and methods of better treating such dependency.
4. To administer public and private grants for welfare and relief purposes, and perform related welfare functions.
5. To perform such functions as may be assigned by law to county welfare agencies.
6. To supervise and/or operate welfare facilities.
7. To enter into cooperative agreements with the public welfare agencies of other local governments, the State of Tennessee and the United States Government and with voluntary welfare agencies for the administration of welfare programs.
8. To supervise the operation of the McKay Home, the Municipal Children's Home and the Knowles Homes for the Aged of the former City of Nashville. The Knowles Homes shall be

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operated in conjunction with the mayor in his capacity as trustee of the Knowles Estate. The supervision of the operation of any or all of the institutions enumerated in this subsection may be transferred by ordinance to the metropolitan board of hospitals.

9. To use in its work any funds appropriated by the council and in its performance thereof to receive donations from firms, individuals and private or governmental agencies.
10. To perform such other functions as may be assigned by ordinance or statute.

Sec. 11.1103. Director of social services.

There shall be a director of social services, who shall be appointed by the commission. The commission may enter into an employment contract with such person for a period not exceeding five (5) years at a compensation to be fixed by the commission.

The director shall administer the policies of the commission, recommend rules and regulations to the commission for its consideration, and perform such other duties as may be assigned to the director by the commission or by ordinance.

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CHAPTER 12. PUBLIC LIBRARY

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[Sec. 11.1201. Public library provided for.](#)

[Sec. 11.1202. Public library board—Term and selection of members.](#)

[Sec. 11.1203. Same—Powers and duties.](#)

[Sec. 11.1204. Chief librarian.](#)

[Sec. 11.1205. Public library budget.](#)

Sec. 11.1201. Public library provided for.

The metropolitan government shall provide for the maintenance and operation of the Nashville Public Library.

Sec. 11.1202. Public library board—Term and selection of members.

There shall be a public library board, which shall consist of seven (7) members, to be appointed by the mayor and confirmed by a majority of the whole membership of the council. Members of the board shall serve for terms of seven (7) years each; except, that the members first appointed shall be so appointed and designated that the term of one of them shall expire each year in each of the seven ensuing years. Any vacancy occurring during a term shall be filled for the unexpired term. Members of the board shall serve without compensation.

Sec. 11.1203. Same—Powers and duties.

The public library board shall have direct charge of the Nashville Public Library system and shall have the power and duty to administer and control all libraries under its jurisdiction. The board shall have exclusive authority to make expenditures out of the money appropriated for the public library as well as the money collected from fines or received from other sources. Said board is authorized to accept gifts, bequests and contributions from public sources and private persons and corporations.

Sec. 11.1204. Chief librarian.

For the proper administration of the public library, the board shall employ a chief librarian and fix his compensation. He shall be a person with experience in an executive or major administrative position in public library operations. The board may enter into an employment contract with such person for a period not exceeding five (5) years and for a compensation determined therein. The board is authorized to assign to the chief librarian such duties and responsibilities as are customary or usual, including immediate control and management of the public library under the regulations prescribed by the board.

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Sec. 11.1205. Public library budget.

The board shall submit to the mayor, through the director of finance, the budget for the public library and it shall be the duty of the council to provide an amount which in its discretion is sufficient for the maintenance and operation of the public library system.

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2. Sheriff may appoint such deputies and other employees as may be necessary to carry out his duties, but in selecting employees to operate the metropolitan workhouse, is bound by the civil service provisions of the Metropolitan Charter, except for the superintendent or warden of such workhouse, who shall be appointed by the sheriff to serve at his will. Metropolitan Government v. Poe, 215 Tenn. 53, 383 S.W. 2d 265 (1964).

[Sec. 12.01. Personnel policy and administration established.](#)

[Sec. 12.02. Civil service commission—Number, qualifications, selection and term of members.](#)

[Sec. 12.03. Same—Duties.](#)

[Sec. 12.04. Director of personnel.](#)

[Sec. 12.05. Selection and dismissal of metropolitan employees; limitation on number of positions held.](#)

[Sec. 12.06. Adoption of rules by civil service commission.](#)

[Sec. 12.07. Substantive content of rules of the commission.](#)

[Sec. 12.08. Positions in classified service and in unclassified service.3](#)

[Sec. 12.09. Civil service commissions for board of health, board of hospitals and board of education.](#)

[Sec. 12.10. Adoption of classification and general pay plan.](#)

[Sec. 12.11. Offenses against civil service and disabilities of civil service employees.](#)

[Sec. 12.12. Continuance of existing civil service rights of county and city employees.](#)

[Sec. 12.13. Pay plan for employees of metropolitan police department and fire department.](#)

Sec. 12.01. Personnel policy and administration established.

For the effective conduct of the public business, there is hereby established a personnel policy and administration under which entry into the service shall be on the basis of open competition and service shall be on the basis of merit, efficiency and fitness. The civil service commission, sometimes called commission, shall be responsible for developing and fostering the effectiveness of this personnel policy in the metropolitan government.

Sec. 12.02. Civil service commission—Number, qualifications, selection and term of members.

The commission shall consist of five (5) members who shall have an interest in civil service and merit principles in the public service, who shall otherwise have the qualifications prescribed in [section 11.102](#) of this Charter and who shall serve without compensation. No member of the commission shall hold any public office or position nor be a member of any local, state or national political committee.

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The members of the commission shall be appointed by the mayor and shall be confirmed by a two-thirds vote of the whole membership of the council. One member of the commission shall be initially appointed for a period of one (1) year; one for two (2) years; one for three (3) years; one for four (4) years; and one for five (5) years. Thereafter, appointments shall be for terms of five (5) years, except that when a vacancy occurs prior to the end of a term, the member appointed to fill the same shall hold under such appointment only for the unexpired term. One member of the commission shall be a person actively engaged in the practice of law, one shall be a representative of business or industry, one shall be a representative of labor, and the remaining members shall be chosen without reference to profession or occupation.

Sec. 12.03. Same—Duties.

In addition to other duties herein specified, it shall be the duty of the civil service commission to:

- (a) Advise with and supervise the director of personnel in all continuing improvements of personnel standards and administration in the metropolitan government.
- (b) Make any investigation or study it may deem desirable concerning the organization and administration of personnel in the metropolitan government.
- (c) Review, approve, revise or modify any action taken by the director of personnel.
- (d) Make annual reports and such special reports as it may consider desirable to the mayor and council.
- (e) Upon request of an affected employee, review suspensions, demotions or separation from service of any employee in classified service, and to render decisions thereon, subject to its rules.

Sec. 12.04. Director of personnel.

There shall be a director of personnel, who shall be appointed by the commission, subject to the civil service provisions of this Charter, and who shall have had training and experience in personnel administration. The salary of the director of personnel shall be prescribed in the pay plan provisions of this article, with a salary of twelve thousand (\$12,000) dollars per annum, payable semimonthly. In addition to other duties herein specified, it shall be the duty of the director of personnel to:

- (a) Administer the civil service program of the metropolitan government under the supervision of the civil service commission and subject to its rules.
- (b) Attend all meetings of the civil service commission, to act as its secretary, and keep minutes of its proceedings.
- (c) Direct and supervise the department of personnel.
- (d) Appoint, with the approval of the commission and subject to the civil service provisions, such employees of the department of personnel as may be necessary.
- (e) Establish and maintain a roster of all employees of all departments, commissions and agencies of the metropolitan government which shall reflect such data and information as may be deemed necessary regarding personnel organization and administration.
- (f) Prepare and maintain an up-to-date record of the authority, duties and responsibilities of each position in the classified service.

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- (g) Develop, in cooperation with the appointing authorities of the metropolitan government, training and educational programs for employees in the metropolitan service.
- (h) Periodically review the operation and effect of personnel provisions of this Charter, the rules promulgated by the commission, the classification plan and the pay plan, and to report his findings and recommendations to the commission.

In making appropriations for the civil service commission, the council shall provide sufficient funds to maintain the up-to-date record required for job classification.

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 12.05. Selection and dismissal of metropolitan employees; limitation on number of positions held.

The civil service commission shall provide all candidates for appointment to the classified service. In accordance with rules and procedures which the commission believes will best serve the personnel policy, candidates shall be rated by competitive examination as "Outstanding," "Well Qualified," "Qualified," and "Unqualified." The duration of each list shall be prescribed by the commission, but none shall be less than six (6) months or more than three (3) years.

The appointing authority shall select his employees from those candidates available in the highest qualified rating. The employee appointed will be a probationary employee for the training period. After the minimum time prescribed by the commission for the position, but before the end of the probationary period not to exceed six (6) months, the appointing authority may terminate an appointee whose training period performance indicates that he will not meet the job requirements. After the probationary period, each employee shall become a member of the classified service.

No employee in the metropolitan service may hold more than one position or employment in the metropolitan service except as follows:

- (a) School personnel between school years may be employed to work in other departments;
- (b) Certificated school personnel may be employed on a part-time basis to teach community education classes; and
- (c) Non-elected employees in the metropolitan service may be employed by the metropolitan board of public education on a part-time basis to lead, teach, or coach students in extra-curricular activities and/or to serve as substitute teachers. The civil service commission shall adopt and promulgate rules and regulations necessary for the implementation of this section.
- (d) Employees may be employed to work as part-time poll workers for the election commission.

No employee in the classified service may be terminated, or suspended from the service, or demoted in pay grade, except for cause and after a hearing before the department head or other appointing authority, with prior reasonable notice, in writing, of the proposed action and the reasons therefor, provided, that when an employee is suspended for cause such suspension shall not exceed an accumulation of thirty (30) working days during a twelve (12) month period. Any employee terminated from the classified service or suspended or demoted in pay grade, by his simple written request to the commission, shall have the action reviewed by the commission. If the commission does not approve the action, it may modify or reverse it, and provide whatever recompense is indicated, which shall not exceed net loss of earnings. In a review by the commission of any disciplinary action, the disciplinary authority shall bear the burden of proof of just cause for discipline.

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(Res. No. RS2012-277, § 1(Amdt. 1), 9-18-2012, election of 11-6-2012; Amdt. 1 to Res. No. RS2010-1119, §§ 1, 2; Res. No. RS2010-1119, § 1, 11-2-2010; Res. No. 72-380, § 1, 11-7-72)

Sec. 12.06. Adoption of rules by civil service commission.

The director of personnel shall recommend to the commission such rules as he considers necessary to carry out the provisions of this article. Thereupon the commission shall fix and hold a public hearing with respect to the rules or their amendments so recommended and within sixty (60) days after such recommendation the commission shall act on such rules or amendments. The commission may approve or reject such recommended rules or amendments in whole or in part, or it may modify and approve them as so modified. Thereafter, the commission may amend or add to the rules on recommendation of the director or on its own initiative, but only after a public hearing on proposed amendments.

The commission shall review said rules periodically for the purpose of revision and in a manner appropriate to sound practices of personnel organization and administration. It shall arrange for the printing of said rules and for their distribution.

Sec. 12.07. Substantive content of rules of the commission.

The rules of the commission shall provide for the efficient organization and administration of employment and regulatory practices by the metropolitan government calculated to preserve the rights of employees and enhance public confidence in a merit system and shall include but not be limited to the following:

- (a) Administration of the classification plan.
- (b) Administration of the pay plan.
- (c) The method of holding competitive examinations for positions in the classified service. In connection with such examinations the rules shall provide for open competitive examinations to be conducted by the director of personnel for the purpose of filling vacancies or making original appointments in the classified service; public announcement thereof after giving reasonable notice; the granting of preferences to former members of the armed forces of the United States; the appointment of examining boards; and the establishment of minimum standards for applicants for such examinations.
- (d) The establishment, maintenance, consolidation and cancellation of eligibility and promotion lists, and the manner in which appointments shall be made. Such rules shall provide a method for establishing reemployment lists containing names of persons separated from positions for reasons other than cause or delinquency on their part; and the time such lists shall remain in effect; for the ranking of eligibles in accordance with ratings earned in tests; for consideration of records of performance, seniority and conduct; for the length of time that promotion and employment lists shall remain in force; and for the method of certifying vacancies and making appointments generally and certifying eligibility therefor; for working test periods; for a method of temporary appointments in the absence of eligible lists, and the limitations thereon, and for emergency appointments.
- (e) The application of service ratings, hours of work, attendance regulations, holidays, and leaves of absence.
- (f) The manner in which lay-offs shall be effected giving due consideration to the seniority rights of employees.

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- (g) A method of transferring employees within a department, and from one department to another, provided nothing in such rules shall authorize the transfer of an employee into the police and fire departments of the metropolitan government from other departments unless such employees meet all the entrance requirements of these two departments as established by this Charter and by the rules of the commission.
- (h) The disciplinary action within the classified service. Rules with respect to such action shall provide that when an employee requests a review of disciplinary action taken against him, as provided in [section 12.05](#) above, such employee shall be furnished a copy of the basis of his discipline not less than fifteen days prior to such hearing, and said rules may provide for the amendment of grounds for discipline upon reasonable notice to the employee.

It shall be mandatory that the rules provide that the judgment and findings of the commission on all questions of fact, in the hearing of charges preferred against any classified employee under the provisions of this article, shall be final and shall be subject to review only for illegality or want of jurisdiction, excepting only cases where classified employees have been dismissed from the service by judgment of the commission, in which case such dismissed employee may prepare and file the record of the proceedings, including a transcript certified by the chairman of said commission, in the circuit and chancery courts of Davidson County, where the case may be heard de novo solely upon the record so certified; provided, that such transcript must be presented to and signed by the chairman of the commission within thirty (30) days after the commission shall have announced its findings, and provided that an extension of time may be granted for this purpose not to exceed thirty (30) days. Any person, other than a member of the commission, may file and prefer charges against any classified employee.

Rules of the commission when adopted as provided herein shall have the full force and effect of law.

Within one (1) year after adoption of the rules or any amendments thereto, any employee who deems himself adversely affected thereby, or any citizen, shall, upon written request therefor, be afforded a public hearing before the commission. The commission, after a hearing, may reaffirm its approval of the rules or make such modifications as it shall deem necessary.

Sec. 12.08. Positions in classified service and in unclassified service.³

All positions in the metropolitan government shall be in the classified service except the following, which are hereby declared to be in the unclassified service.

- (a) All officers of the metropolitan government and of the county elected by popular vote, and officers appointed to fill vacancies in any such elective position.
- (b) The director of finance, private secretaries of directors as designated herein, the administrative assistants to the mayor, the metropolitan attorney, the deputy metropolitan attorney, the assistant metropolitan attorneys, and employees in the office of the mayor, exclusive of any such employees who may have otherwise attained a civil service status prior to the effective date of this Charter.
- (c) Members of boards or commissions in the metropolitan government, except as otherwise provided in this Charter.
- (d) The executive director or secretary for every board or commission of the metropolitan government, and such principal professional personnel or professional positions on the staff not formerly under civil service of said board or commission as he may designate subject to the approval of said board or commission.
- (e) All professional personnel employed by the board of health and the board of hospitals.

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- (f) All teachers employed by the board of education.
 - (g) Employees of the Nashville Electric Power Board; provided, however, that those employees of the Nashville Electric Power Board who are in active service on the effective date of this Act⁴ shall continue to hold all civil service rights and benefits heretofore provided for pursuant to the provisions of chapter 246 of the Private Acts of the General Assembly of Tennessee for 1947 and any amendments thereto.
 - (h) Employees in the office of the county or probate judge of Davidson County.
 - (i) Officers heretofore elected by the Quarterly County Court of Davidson County.
 - (j) Deputies of the following officers: Circuit court clerk, criminal court clerk, chancery clerk and master, county court clerk, trustee, tax assessor, register; and court officers, stenographers and clerks appointed by judges; whether or not compensated by the metropolitan government.
 - (k) Employees of the board of fair commissioners, of the farmers' market board and of the agricultural extension board.
 - (l) Those persons employed on special projects paid from any bond funds of the former City of Nashville or former County of Davidson or future bond funds of the metropolitan government; seasonal employees, who are herein defined as those whose service does not exceed four (4) months in any twelve (12) months period; and emergency employees as defined from time to time by rules and regulations of the commission.
 - (m) Those persons whose professional services are needed from time to time on particular matters.
3. Sheriff and superintendent of metropolitan workhouse, although not listed by this section as being in the unclassified service, are not subject to the classified service of the metropolitan government. *Metropolitan Government v. Poe*, 215 Tenn. 53, 383 S.W. 2d 265 (1964).
4. April 1, 1963.

Sec. 12.09. Civil service commissions for board of health, board of hospitals and board of education.

With respect to nonprofessional personnel employed by the board of health and the board of hospitals, and with respect to nonteaching employees of the board of education, the employing board shall constitute a civil service commission for its respective employees and in so acting said boards shall, to the extent deemed practicable, conform to the provisions of this article as to the adoption of rules, the discipline or dismissal of employees, the classification of positions and the adoption of a pay plan.

Sec. 12.10. Adoption of classification and general pay plan.

The commission shall direct the director of personnel to make or cause to be made:

- (a) A job description of every position in the classified service.
- (b) A classification plan which will assign each position by title to one class.
- (c) Assignment of each classification to grades equitably related to each other on the basis of function, responsibility and nonwage benefits, with the percentage between the high and low salary range for each grade. Upon the approval of the commission, any such determinations shall have the effect of law.

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The director of personnel shall, after the approval of the commission, recommend to the director of finance, the desirable salary ranges for each grade. The director of finance shall approve or modify the ranges for each grade, and forward the same with a statement of full budgetary implications, to the mayor for his approval. The mayor shall approve the plan or approve it subject to his modifications, but neither the director of finance nor the mayor may alter or destroy the relationships between the grades. Thereupon, the mayor shall submit the same to the council with recommendation that it be adopted.

The council shall (1) adopt the general pay plan, or (2) adopt the same as amended but without modifying the plan except by uniform modification of all grades, or (3) reject the same. Adoption or rejection shall be by resolution not requiring the approval of the mayor. When a general pay plan is rejected by the council, it shall be returned to the commission which shall thereupon formulate another general pay plan and transmit the same to the mayor for handling under the procedures above set forth.

"Upon approval of the plan by the mayor and council, this shall be the pay plan under which all covered employees must be paid, with the exception of the department of metropolitan police and the department of fire, the employees of which shall be paid in accordance with the provisions of section 12.13 below."

Whenever it may be deemed desirable to create any new position in the metropolitan government, the director or head of the department affected shall present a request in writing to the mayor and the civil service commission for investigation. Not later than fifteen days after the same is filed, if the mayor thinks the creation of the position in the public interest, he shall transmit the ordinance for this purpose, together with the civil service commission's written job description and assignment of the proposed position to the appropriate class in the classification plan. Where a proposed ordinance creates a new position and is not accompanied by such recommendation, copy thereof shall be promptly furnished by the metropolitan clerk to the mayor and to the civil service commission, and the same shall not be passed on second reading until their recommendations have been received or fifteen (15) days have elapsed without such recommendations.

Any position, job or employment hereafter created in the manner above provided, shall be in the classified service as herein defined and subject to all the rules of the civil service commission, except as the ordinance creating the same or this Charter may otherwise provide.

The director of personnel shall maintain adequate records for all employees; he shall require, at least once a year, performance reviews on each employee on such form or forms as the director provides. The director of personnel shall certify that each payroll in question complies with the personnel policy established by this article. No payroll may be paid without this certification.

Editor's note—An amendment to § 12.10 was approved at an election held Nov. 4, 1986.

Sec. 12.11. Offenses against civil service and disabilities of civil service employees.

No person shall attempt to use any political endorsement in connection with any appointment in the classified service. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person, an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for a consideration.

No employee in the classified service, and no member of the commission, shall directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political organization or purposes, or solicit or take part in soliciting any such assessment, subscription or contribution. No person shall solicit any such assessment, subscription or contribution of any employee in the classified service.

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No employee in the classified service shall be a member of any national, state or local committee of a political party, or an officer or member of a committee of a political party, or an officer or member of a committee of a partisan political club, or shall take any part in the management of the affairs of any political party, or in any political campaign, except to exercise his right as a citizen privately to express his opinions and cast his vote. Any classified employee who violates any of the foregoing provisions of this section shall forfeit his office or position.*

No person elected to public office within the metropolitan government shall, during the term for which he was elected, be appointed to any other position in the metropolitan government, except as otherwise specifically provided in this Charter.

No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration, for or on account of any appointment, proposed appointment, promotion, or proposed promotion to, or any advantages in, a position in the classified service.

No employee of the department of personnel and no member of the commission, or other person, shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, or appointment hereunder, or furnish to any person any special or secret information for the purposes of affecting the rights or prospects of any person with respect to employment in the classified service.

Any officer or employee of the metropolitan government who violates the provisions of this section shall forfeit his office or position.

* Editor's note—Tennessee Code Annotated §7-51-1501 provides as follows: "Notwithstanding the provisions of any county, municipal, metropolitan, or other local governmental charter to the contrary, and notwithstanding the provisions of any resolution or ordinance adopted by any such county, municipality or other local governmental unit to the contrary, every employee of every such local governmental unit shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided, further, the city, county, municipal, metropolitan or other local government is not required to pay the employee's salary for work not performed for the governmental entity; and provided, further, that unless otherwise authorized by law or local ordinance, an employee of a municipal government or of a metropolitan government shall not be qualified to run for elected office in the local governing body of such local governmental unit in which the employee is employed."

Sec. 12.12. Continuance of existing civil service rights of county and city employees.

Nothing in this article or charter shall impair or diminish the rights and privileges of existing employees of the County of Davidson or the City of Nashville under civil service; and such rights and privileges shall continue without impairment as obligations of the metropolitan government.

Sec. 12.13. Pay plan for employees of metropolitan police department and fire department.

Employees of the metropolitan police department and fire department shall be classified and paid in accordance with a separate and distinct pay plan. The procedures set forth in [section 12.10](#), applicable to the general pay plan, shall be followed in establishing the pay plan for employees of the metropolitan

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police and fire departments; provided, however, that no employee or position shall suffer a reduction in pay or other benefits in the establishment of the separate pay plan for the police and fire departments, and provided further that these procedures will be replaced in the event this Charter shall be amended to establish collective bargaining procedures between employees of the police and fire departments and the metropolitan government.

Editor's note— Section 12.13 was added at the election held Nov. 4, 1986.

ARTICLE 13. SYSTEM OF EMPLOYEE BENEFIT PLANS

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Sec. 13.01. Adoption.

A system of employee benefit plans which include disability and retirement benefits and which may include medical insurance benefits and life insurance benefits, shall be adopted for officers and employees of the metropolitan government for whom such plans are not provided by other sections of this Charter.

Sec. 13.02. Metropolitan employee benefit board—Created.

A metropolitan employee benefit board (sometimes in this article called "board") shall be created to administer, manage and coordinate the employee benefit plans of the metropolitan government as well as the retirement plans listed in [section 13.09](#) (a)—(c) of this article.

Sec. 13.03. Same—Composition and selection of board; terms and qualifications of members.

The board shall be composed of ten (10) members, as follows: The director of finance and the director of personnel shall be members by virtue of their official positions. Three (3) members shall be appointed by the mayor, subject to confirmation by the council, and shall possess an interest in benefit and retirement programs, and one (1) shall have at least ten (10) years business experience, and all

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three (3) shall be on the investment committee. They shall serve for terms of three (3) years each, except that the members first appointed shall serve for terms of one (1) year and two (2) years respectively. Five (5) members shall be selected by their own number, one (1) from the police department, one (1) from the fire department, two (2) from all other departments of metropolitan government and one (1) from among the retired employees. The employee members shall serve for terms of three (3) years each, except that the members first selected by the employee groups shall serve for terms of one (1) year, two (2) years, and three (3) years respectively. All members of the board, including the chairman, shall be entitled to vote on all issues.

The director of personnel, with the approval of the metropolitan civil service commission, shall announce a plan for the conduct of an election to be held by the employee members of the board. The election shall be conducted under the supervision of the director of personnel, who shall immediately report to the commission the name of the employee receiving the required votes in such election, which report shall be spread upon the minutes of the commission. Upon such certification by the director of personnel to the commission, the successful candidate shall thereupon enter his duties as a member of the board.

The members appointed by the mayor, and confirmed by the council, shall hold no public office and shall not be a member of any local, state or national committee. All vacancies on the board shall be filled for the unexpired portions of any term in the manner above prescribed for their respective positions.

In the performance of its staff functions, the board, its investments committee and the study and formulating committee hereinafter created may utilize the office and clerical staff of the director of personnel or there may be employed by the board a secretary who shall have had training and experience in pension and retirement administration.

(Res. No. 72-380, 10-3-72; Substitute Res. No. 78-1051, 9-19-78)

Sec. 13.04. Investments committee.

The director of finance and the two members of the employee benefit board selected by the mayor shall be and constitute the investments committee of the board. Said committee shall regulate and determine all matters dealing with investment of funds committed to the board and shall have full and complete control over all investments, subject to the provisions of this Charter and of other applicable law. No other member of the board shall have authority to vote or participate in decisions dealing with investment of funds committed to the board. The investments committee shall be and constitute an administrative board of commission for the purpose of regulations and duties prescribed by chapter 1 of [article 11](#) of this Charter. All actions taken by the investments committee shall have the approval of at least two members thereof.

Full minutes shall be kept of all actions of the investments committee, which shall be public records as defined by state law. Said investments committee shall at least annually make a detailed accounting of its investments, income and expenditures, and file the same with the board, the mayor and the council. This report shall be a public record, and shall show the time, place, company, firm, person or individual in each instance dealt with, the nature and type of transaction involved, the nature and type of investment; the nature and type of income derived from such investment and any other information reasonably required to determine the exact financial status of all transactions. Any affected employee, upon request and at his expense, shall be furnished copies of such report or of designated portions thereof.

Said investments committee shall manage, invest and distribute the fund or funds maintained in connection with the system of employee benefits plans for officers and employees of the metropolitan government, as well as the retirement plans listed in [section 13.09](#) (a)—(c) of this article; provided, however, that no investment shall be made except in securities and properties which at the time of

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making the investment are permitted by statute for the investment of funds by fiduciaries in the State of Tennessee.

Sec. 13.05. Duties of metropolitan employee benefit board.

In addition to the other duties imposed by this Charter or by general law, it shall be the duty of the board to:

- (a) Hold regular monthly meetings, which shall be open to the public.
- (b) Coordinate and communicate to officers and employees of the metropolitan government, the system of employee benefit plans for officers and employees of the metropolitan government, and to manage and administer such system of employee benefit plans as well as the retirement plans listed in [section 13.09](#) (a)—(c) of this article.
- (c) Make such expenditures as may be necessary in fulfilling its duties, within the limit of its budget appropriation.
- (d) Construe any employee benefit plans adopted by the metropolitan government as well as any retirement plan listed in [section 13.09](#) (a)—(c) of this article, and to determine all questions that may arise thereunder, including questions relating to the eligibility of any person employed by the metropolitan government to become a member of any such employee benefit plan and the amount of benefit to which such person, or any member of a retirement plan listed in [section 13.09](#) (a)—(c) of this article may become entitled thereunder.
- (e) Adopt such rules, regulations and procedures as it may deem necessary in fulfilling its duties.
- (f) Advise the mayor and the council of the anticipated financial requirements of each employee benefit plan adopted by the metropolitan government, as well as the retirement plans listed in [Section 13.09](#) (a)—(c) of this article so that such financial requirements shall be included in the budget and tax levy ordinances for the ensuing fiscal year.

Sec. 13.06. Study and formulating committee; preparation, consideration and adoption of plan for employee benefits; subsequent committees provided for.

There shall be a study and formulating committee consisting of five (5) persons appointed by the mayor and approved by the council. This committee shall make a study and formulate a plan for employee benefits, which shall include disability and retirement benefits and which may include medical insurance benefits and life insurance benefits. Such study shall include the design, the possible coordination of any of the employee benefit plans of such system with the Social Security Act, the administration and financing of such system and all properly related matters. For the purposes of its study and formulation, the committee is authorized to:

- (a) Within the limits of its appropriation, employ the services of legal counsel, investment consultants, actuarial consultants, and the services of others which in the sole discretion of the committee may be necessary to perform its duties.
- (b) Obtain from any department, board, commission, agency, officer or employee of the metropolitan government information and data with respect to the compensation of any officer or employee; his length of service with the metropolitan government, the former City of Nashville or the former County of Davidson; his retirement or other cause of termination of employment; his contribution to any employee benefit plan of the metropolitan government as

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well as any retirement plan listed in [section 13.09](#) (a)—(c) of this article; and such other pertinent information and data as the board may require.

The council is hereby authorized and required to appropriate such funds as may be reasonably necessary for the work of said committee.

Within one year after its appointment, unless the time be extended by resolution of the council, the study and formulating committee shall submit to the employee benefit board a proposed system of employee benefit plans for officers and employees of the metropolitan government. Said board shall either approve the plan or indicate the specific changes which it recommends in connection therewith. Thereupon the board shall submit the approved plan or the original plan with recommended changes to the council for its action thereon and for the enactment of a system of employee benefit plans.

The mayor shall from time to time thereafter, and at least once every five years, appoint a subsequent study and formulating committee to study benefits, contributions, extent of coverage, actuarial soundness and related matters in connection with the system of benefit plans and to submit to the employee benefits board such amendments as such study may indicate as necessary.

Sec. 13.07. Eligibility of officers and employees of metropolitan government.

Wherever used in this article, the term "officers and employees of the metropolitan government" shall mean all officers, including metropolitan judicial officers, and all employees, including classified and unclassified employees, who are regularly employed by the metropolitan government, who are not excluded in accordance with the provisions of [section 13.08](#) of this article, or any other provision of this Charter, and who meet any other eligibility and participation requirements of the system of employee benefit plans adopted by the metropolitan government, but said term shall not include teachers whose benefits system is administered by the metropolitan board of education, as provided in [section 13.09](#) hereof.

Such officers and employees of the metropolitan government shall be members of the system of employee benefit plans established by the metropolitan government and shall not be members of an of the retirement plans listed in [section 13.09](#) (a)—(c) of this article, or in any teachers' benefits system.

Sec. 13.08. Exclusion of certain persons.

Notwithstanding any provision of this Charter to the contrary, any officer or employee of the former City of Nashville or the former County of Davidson who on the day before the effective date of this Charter^{4a} was an active or retired member of any retirement plan listed in [section 13.09](#) (a)—(c) of this article shall not be eligible to become a member of the system of employee benefit plans for officers and employees of the metropolitan government; provided, however, that each such officer and employee of the former City of Nashville or the County of Davidson may elect voluntarily, subject to the written approval of the board, to transfer his membership from the applicable retirement plan listed in [section 13.09](#) (a)—(c) of this article to membership in such system of employee benefit plans for officers and employees of the metropolitan government. No employee of the electric power board nor any teacher employed by the metropolitan government shall be eligible to become a member of the system of employee benefit plans for the officers and employees of the metropolitan government provided by this article. Notwithstanding any provision of this Charter to the contrary, no person employed by the metropolitan government shall be eligible to become a member or shall continue to be a member of more than one of any of the following:

- (a) The system of employee benefit plans for officers and employees of the metropolitan government.

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- (b) Any retirement plan listed in [Section 13.09](#) (a)—(c) of this article.
- (c) The retirement plan for employees of the electric power board.
- (d) Any retirement plan for teachers (1) of the former City of Nashville, (2) of the former County of Davidson or (3) of the metropolitan government hereafter adopted pursuant to [Section 9.07](#) of this charter.

4a. April 1, 1963.

Sec. 13.09. Continuing rights under retirement plans of former City of Nashville or former County of Davidson.

Pension rights under [Section 9.07](#) of this charter may include medical insurance benefits, and life insurance benefits. Said pension rights, together with those provided by [Section 9.06](#) hereof, shall be administered by the board of education and both shall be an obligation and liability of the metropolitan government. In addition all benefits payable to members, retired members, and their survivors, in accordance with any of the following retirement plans of the former City of Nashville or the former County of Davidson as such plans existed prior to the effective day of this charter shall continue unimpaired for the same duration provided in such plans as they existed prior to the effective date, and such benefits shall be an obligation and liability of the metropolitan government:

- (a) The pension, retirement and benefit plan for policemen and firemen of the former City of Nashville created in accordance with the provisions of Article 48 of Chapter 246 of the Private Acts of 1947, and all amendatory acts thereof.
- (b) The pension, retirement and benefit plan for the city judge and civil service employees of the former City of Nashville created in accordance with the provisions of Article 48 of Chapter 246 of the Private Acts of 1947 and all amendatory acts thereof.
- (c) The retirement plan for officers and employees of the former County of Davidson created in accordance with the provisions of Chapter 274 of the Private Acts of 1943, and all amendatory acts thereof.

It shall be the duty of the investments committee in addition to the duties hereinabove set forth to manage, invest and reinvest the funds and assets of the retirement plans listed in this [Section 13.09](#) (a)—(c), which funds and assets shall be maintained as separate funds in one or more funds of the system of employee benefit plans for the officers and employees of the metropolitan government, as said committee may determine in its sole discretion. It shall be the duty of the employee benefit board to assume jurisdiction over, to administer, and to interpret the provisions of the retirement plans listed above in this [Section 13.09](#); to codify and restate such retirement plans if the board determines that such codification and restatement would be an administrative convenience, and to exercise the duties granted the board in [Section 13.05](#) of this charter with respect to such retirement plans; provided, however, that no provision of this charter shall be construed to affect in any way the benefits payable to members and their survivors of the teachers' retirement plans of the former City of Nashville or the former County of Davidson; and provided, further, that the board shall suspend, as a condition precedent to the employment of any person by the metropolitan government, the benefits payable under such retirement plan during the period such person is regularly employed by the metropolitan government.

Provided any member receiving a service pension of the metropolitan government or the former City of Nashville or former Davidson County shall be entitled to receive their service pension and still serve as a member of the metropolitan council. This provision shall supersede any provision of the Charter or the applicable pension plans to the contrary.

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(Res. No. 72-380, § 1, 11-7-72; Res. No. 74-869, § 1, 11-5-74; Substitute Res. No. 78-1051, 9-19-78)

Sec. 13.09.1. Benefit increase plan.

The appropriate administrator of the system of employee benefits plans shall, after the approval of the metropolitan employee benefit board, recommend to the director of finance, the desirable plan of increase in benefits payable to members, retired members, and survivors of members of the retirement plans listed in [Section 13.09](#) (a)—(c). The director of finance shall approve or modify the plan increase, and forward the same, with a statement of full budgetary implications, to the mayor for his approval. The mayor shall approve the plan or approve it subject to his modifications. Thereupon, the mayor shall submit the same to the council with recommendations that it be adopted effective at the beginning of the next fiscal year, except the effective date for the fiscal year beginning July 1, 1975, shall be as stated by adopting resolution.

The council shall (1) adopt the benefits increase plan, or (2) reject it. Adoption or rejection shall be by resolution not requiring the approval of the mayor. When a benefit increase plan is rejected by the council, it shall be returned to the metropolitan employee benefit board, which may thereupon formulate another benefit increase plan and transmit the same to the mayor for handling under the provisions above set forth.

Upon the approval of the plan by the mayor and the council, this shall be the benefits payable to members, retired members, and survivors of members of the retirement plans listed in [Section 13.09](#) (a)—(c).

(Res. No. 72-380, § 1, 11-7-72; Res. No. 74-869, § 1, 11-5-74)

Sec. 13.10. Retirement plans to be actuarially sound.

Any retirement plan adopted by the metropolitan government pursuant to [Section 13.06](#) hereof shall be actuarially sound; that is, annual contributions shall be made by members of such retirement plans and by the metropolitan government to a fund or funds established and invested for the sole purpose of financing benefits provided in accordance with the provisions of such retirement plans. The amount of such annual contributions by the employees and the metropolitan government shall be determined as the sum of normal cost and five (5) percent of the unfunded past service liability, where normal cost and past service liability shall be determined actuarially by a qualified independent actuary based on the entry age normal cost method of funding or the unit credit cost method of funding.

Sec. 13.11. Separate funds; payments from funds; reports.

All assets of any fund maintained in connection with the system of employee benefit plans of the officers and employees of the metropolitan government, as well as the retirement plans listed in [section 13.09](#) (a)—(c) of this article, shall be maintained separate and apart from all other funds of the metropolitan government. The metropolitan treasurer shall keep a separate account for each such fund and a separate record indicating each disbursement of such fund. Payments from such fund or funds shall be made only on order of the board by a warrant to be signed by a person designated by the board and to be countersigned by the metropolitan treasurer. The metropolitan treasurer shall submit to the board monthly financial reports and such other reports as the board may require.

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Sec. 13.12. Expense for treatment of accidental injury in course of employment to be borne by metropolitan government.

Any employee of the metropolitan government entitled to benefits under any benefit plan established for the metropolitan government, who is injured by accident arising out of and in the course of his employment, shall be entitled to emergency treatment at the nearest or most available doctor's office, hospital or clinic, at the expense of the metropolitan government. Any further treatment, in addition to the emergency treatment herein provided for, shall be furnished the employee free of charge by doctors, nurses, etc., in the employment of board of hospitals. In the event it is determined that specialized treatment not available at a metropolitan hospital should be made available to such employee, then the same shall be made available at the nearest point or place where such specialized treatment is available, which treatment shall be paid for by the metropolitan government.

Sec. 13.13. Death benefits.

If no other death benefit financed in whole or in part by the metropolitan government is available, then benefits shall be paid on the death of an employee caused by any injury by accident arising out of and in the course of employment. The amount of the payment shall be the sum of five thousand (\$5,000) dollars, and payment shall begin within sixty (60) days after death to the surviving spouse, and if no spouse, to the next of kin without necessity for appointment of an executor or administrator. Determination by the board as to who is entitled to payment of death benefits and the payments made pursuant to such determination shall be final and conclusive. No payment shall be made where the personal injuries resulting in death were due to the employee's willful misconduct or intentional self-inflicted injury, or due to intoxication, or willful failure or refusal to use a safety appliance or perform a duty required by law. No payment shall be made in the case of death due to sickness or disease. The words "employee of metropolitan government," as used in this section, shall not include any member of a board or commission created by this Charter or pursuant to it, and shall not include any contractor or employee of a contractor doing business with the metropolitan government.

Written notice of personal injury shall be given to the board and to the mayor on behalf of an employee within thirty (30) days after such personal injury was sustained. In the event of claim for death benefit, the board shall make or cause to be made a full investigation of the facts and shall determine, on the basis of written opinion of the metropolitan attorney, whether the claim is legally and properly payable.

The death benefit payment of \$5,000 shall be made as follows: The sum of five hundred (\$500) dollars shall be paid at the time of the initial settlement, and the balance shall be paid at the rate of one hundred (\$100) dollars per month for forty-five (45) consecutive months. Payments made pursuant to this section shall be free from the claims of creditors and not subject to attachment, garnishment or other process of law.

The provisions with respect to death benefits shall apply to all persons employed by the metropolitan government, including the employees of all departments, boards and commissions.

ARTICLE 14. METROPOLITAN GENERAL SESSIONS COURT

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[Sec. 14.30. Severability of provisions.](#)

[Sec. 14.31. Continuation of office of public defender.](#)

[Sec. 14.32. Continuation of juvenile court; jurisdiction of metropolitan general sessions court limited in juvenile matters.](#)

Sec. 14.01. Created; parts.

There is hereby created and established a metropolitan general sessions court in and for the County of Davidson, State of Tennessee, which shall be divided into nine (9) parts; each of which shall be designated in their respective divisions, Metropolitan General Sessions Court of Nashville and Davidson County, Tennessee.

(Res. No. 65-671, § 1, 7-20-65; Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.02. Jurisdiction and authority; justices of the peace divested of certain jurisdiction and authority.

The metropolitan general sessions court of Nashville and Davidson County, Tennessee, is hereby vested with all the jurisdiction and shall exercise all the authority conferred by law upon justices of the peace in civil and criminal cases, suits and actions; and the jurisdiction of the justices of the peace of Davidson County are hereby divested of all such jurisdiction and authority. The court shall have exclusive jurisdiction to hear, try and dispose of cases involving the breach of any and all ordinances, regulations, resolutions and private acts of the metropolitan government, and to impose fines for said breach of any and all ordinances, regulations, resolutions and private acts of the metropolitan government. It shall have exclusive jurisdiction to hear, try and dispose of cases in which violations of traffic laws, ordinances regulations and resolutions of the metropolitan government are charged, or in which offenses are charged under state law regulating the operating, maintenance of motor vehicles and to impose fines for violation of such laws, ordinances, regulations and resolutions and to suspend the driver's license of any person found guilty of such violation as the case may be. Said court shall have jurisdiction to bind over offenders to the grand jury where probable cause is found to exist in cases involving violation of the criminal laws of the state and, in lieu of bond, to commit to jail persons so charged. The court shall exercise all the jurisdiction and authority now and hereafter conferred by general act upon the court of general sessions.

(Res. No. 71-1222, § 1, 8-5-71)

Editor's note—In addition to the amendment adopted by Res. No. 1222, § 14.02 was also amended at election held Aug. 4, 1983.

Editor's note—An Environmental Court was established by Tenn. Pub. Acts 1993, Chapter 212, and later amended by Tenn. Pub. Acts, Chapter 667, 2002.

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Sec. 14.03. Trial upon plea of guilty or waiver of indictment, presentment of grand jury investigation and jury trial.

The court is hereby vested with jurisdiction and authority to try and determine and render final judgment in all misdemeanor cases brought before it either by warrant or information wherein the person charged with such misdemeanor offense enters a plea of guilty or requests a trial upon the merits, or expressly waives an indictment, presentment of a grand jury investigation and a jury trial. In any such case, the trial is presented before the judge without the intervention of a jury. It shall be the mandatory duty of the judge of said metropolitan general sessions court when a defendant is brought before the court upon arraignment or trial to advise such defendant of his constitutional rights to the aid of counsel, the right to be tried only upon presentment or indictment preferred by a grand jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon defendant agreeing in writing to waive the right to be put to trial only by presentment or indictment preferred by a grand jury and the right to a trial by jury of his peers, the court may proceed to hear and determine said case as provided hereinabove. Said waiver shall be written on or attached to the warrant stating in words and figures as follows:

The defendant pleads. guilty to the offense of and waives his right to be tried only by indictment or presentment preferred by a Grand Jury, and likewise waives a trial by a jury of his peers.

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(Res. No. 65-671, § 1, 7-20-65; Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.04. Judges—Number; qualifications.

There shall not be more than one (1) judge for each division of said court as provided in [section 14.01](#) herein; each judge possessing the qualifications and being duly elected for the term of office as provided in [article 6](#), section 4 of the Constitution of the State of Tennessee, for judges of inferior courts. Nine (9) judges are hereby authorized to serve the court and they are as follows, to wit: Six (6) duly elected general sessions court judges of Davidson County, Tennessee, which shall be the judges of divisions I—VI, and the existing duly elected judges of the metropolitan court of Nashville, Tennessee, who shall be the judges of divisions VII through IX; and additional judges may be provided by act of the state legislature as it shall deem necessary; and by appointment and/or election as provided further herein. In addition to the qualifications prescribed in the Constitution of the State of Tennessee, the judges of said court shall have been licensed to practice laws by the Supreme Court of Tennessee for not less than five (5) years prior to election to office, and shall have been residents of Nashville, Davidson County, Tennessee, for not less than the same period; and shall not be less than thirty (30) years of age or more than sixty-five (65) years of age at the time of their qualification; providing, that the provisions hereinafter set forth regarding age shall not apply to judges holding office at the time this amendment is adopted as provided further herein.

(Amended by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.05. Same—Election; term of office.

The first nine (9) judges of the court hereby transferred shall serve the court until their tenures of office to which elected expires, and all branches of the court shall be filled by the qualified voters of Metropolitan Nashville, Davidson County, Tennessee, in the August 1974 general election for term of eight (8) years from the first day of September, 1974, and subsequently at the August general election

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thereafter for each like term. The judges to serve the court hereinbefore set out shall be the judges of the respective divisions I—IX, respectively. Additional judges authorized by act of the legislature as provided in [section 14.04](#) hereof, shall be elected at the next general election following their appointment and subsequently at the next general election required for judges of the entire court. Each person seeking election as a judge of said court shall be required to run for a specific division, branch or part as established hereinabove.

(Amended by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.06. Same—Oath of office.

The oath of office prescribed for judges of said court shall be the same as that prescribed for circuit judges and chancellors and shall be taken and filed with the court administrator of the metropolitan general sessions court.

(Amended by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.07. Same—Compensation; restrictions on practice of law.

The judges of the court shall be paid the same compensation and shall be under the same restriction as to the practice of law as provided by general law for judges of the circuit court of Davidson County; and such compensation shall be paid in at least equal monthly installments out of the general funds of the metropolitan government of Nashville and Davidson County.

(Amended by Res. No. 65-671, § 1, 7-20-65; Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.08. Same—Retirement benefits; removal from office.

The judges of said court shall be eligible to all retirement benefits as provided by general law for county paid judges. The now existing metropolitan judges, who will be the judges of divisions VII, VIII and IX of the court, shall have the right to elect as to whether or not they shall remain under the same retirement system as set forth in [article 13](#) of the Charter of the Metropolitan Government of Nashville and Davidson County or participate in the state pension system for county paid judges as provided by general law. The judges of said court shall be subject to removal from office as prescribed by law for circuit judges and chancellors.

(Amended by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.09. Same—Jurisdiction, authority and powers generally.

The judges of said court shall have the same authority as provided by law by circuit court judges and chancellors to grant fiats for writs of injunction, attachments and other extraordinary process. Said judges shall have the jurisdiction and authority conferred upon trial judges by chapter 21, title 40 of the Tennessee Code Annotated [Repealed]* relative to suspension of sentences and revocation thereof. They shall have the power to remit fines and to release sentences imposed by them. Said judges are empowered to issue subpoenas to compel the attendance of witnesses and upon the failure of any witness so subpoenaed to attend, to compel his attendance by attachment. Said judges shall further be empowered to punish any person for contempt committed in the presence of the court by imposing a fine not to exceed twenty-five dollars (\$25.00); and/or jail sentence not to exceed ten (10) days, and in default

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of payment of a fine so imposed, to imprison such guilty person in the metropolitan workhouse or jail until said fine is discharged.

(Amended by Res. No. 71-1222, § 1, 8-5-71; Res. No. 88-526, § 20, 10-4-88)

* Editor's note—Repealed by Acts of 1989, ch. 591, § 7. For present provisions concerning criminal sentencing, see ch. 35, part 3 of title 40.

Sec. 14.09A. Same—Presiding judge.

There is hereby created the position of presiding judge of the metropolitan general sessions court of Nashville and Davidson County, who shall be one (1) of the judges of said court. The presiding judge of the court shall be selected by a majority vote of the judges of the court. In the event of a vacancy or incapacity or inability of the presiding judge, the remaining judges of the court by majority vote, shall select another presiding judge who shall be one of the judges of said court to serve the remaining term. The presiding judge shall be responsible for the preparation and submittal of budgets of said court to the metropolitan government and its appropriate departments, committees and agencies. He shall have authority to call meetings of the other judges of the court who shall be required to attend such meetings for the purpose of discussing various problems pertaining to the conduct and operation of said court. The presiding judge shall promulgate all rules necessary for the supervision, conduct and administration of the court, including but not limited to the following: 1. Prescribing the days and hours when the courts sitting in branches, parts or divisions shall be in session, including a night court session as shall be deemed necessary; 2. assigning of civil, criminal and traffic cases to respective branches, parts and divisions of said court.

(Amended by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.09B. Separate dockets to be kept for civil, criminal and traffic cases.

Separate dockets shall be kept in said court for civil, criminal and traffic cases, and shall be in such form and kept in such manner as the presiding judge shall prescribe.

(Amended by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.10. Public defender—Qualifications; selection; term; duties.

There shall be a public defender for the metropolitan government who shall be elected by the voters at the regular August election in 1966 and who shall hold office for a term of four (4) years, commencing September 1, 1966, and until his successor shall be duly elected and qualified. The public defender shall be a person licensed to practice law in Tennessee and he shall be at the time of his election or appointment, and shall continue to be during the term of office, a resident of the area of the metropolitan government. The public defender shall not engage in private practice of criminal law during his term, but he may conclude all matters pending when elected or appointed. A vacancy in the office of public defender shall be filled by the metropolitan council until the next general August election, when successor shall be elected by the voters to fill the unexpired term or the ensuing term as may be the case.

Upon request by the defendant, or upon order of the court, it shall be the duty of the public defender to defend, without expense, and to represent generally all persons who are determined by the court or the public defender to be without means to employ counsel and who have been indicted by the grand jury or charged with the commission of any crime. The public defender shall also, upon request, give counsel

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and advice to such person, in and about any charge against them upon which he is conducting the defense. The public defender shall prosecute all appeals to a higher court on behalf of any person financially unable to employ counsel who has been convicted upon such charge, where in his opinion there is error in the conviction had, and such appeal will or might reasonably be expected to, result in the reversal or modification of the judgment or conviction. The public defender shall perform such other duties as may be assigned by ordinance.

Sec. 14.11. Same—Compensation; appointment, qualifications and duties of assistants.

The public defender shall receive a salary of eight thousand dollars (\$8,000.00) per annum, payable semimonthly.

For the proper conduct of the business of his office the public defender is authorized to employ one (1) deputy or assistant at a salary not to exceed five thousand dollars (\$5,000.00) per annum, payable semimonthly, and to employ one (1) stenographer at a salary not to exceed four thousand dollars (\$4,000.00) per annum, payable semimonthly. Any person appointed assistant public defender or deputy public defender shall be licensed to practice law in Tennessee and shall be at the time of his appointment, and shall continue to be during the period of his service, a resident of the area of the metropolitan government. Any person appointed assistant or deputy public defender shall serve at the pleasure of the public defender and notice of his appointment or of the revocation of the same shall be in writing and filed with the clerk of the criminal court. Such assistant or deputy public defender may attend all criminal courts and discharge the duties imposed by law upon the public defender. The assistant or deputy public defender designated by the public defender or by the court in his absence, shall perform the duties of said office during any period when the public defender is disabled or otherwise unable to attend court. No assistant or deputy public defender shall engage in the private practice of criminal law during the period of his service, except to conclude matters pending when he was appointed.

The council by ordinance may provide such additional assistants, investigators or other personnel as it may determine the public defender to require, and also by ordinance may enlarge or restrict the duties of the public defender as to the class of cases in which he shall act as attorney for indigent defendants.

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 14.12. Designation of special judge when judge unable to hold court.

In the event that any judge of said court fails to attend, cannot preside over any pending case, or for any reason is unable to hold court, such judge may select a qualified person to hold court as provided in chapter 533 of the Public Acts of the State of Tennessee for 1968.⁵

(Amended by Res. No. 71-1222, § 1, 8-5-71)

5. See T.C.A., § 16-15-209.

Sec. 14.13. Filling of vacancies in office of judge.

In the event of any vacancy in the office of the judge of the court for any cause, either by death, resignation or removal, the governor of the State of Tennessee shall be empowered to appoint some qualified person to fill such vacancy until September 1 following the next August general election, at

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which election said vacancy shall be filled for the remainder of such term by the qualified voters of Metropolitan Nashville, Davidson County, Tennessee.

(Amended by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.14. Service of process.

The sheriff of the metropolitan government or his duly appointed deputy or any person appointed by a judge of the court for such purpose, shall be empowered to serve regular process, writs and papers issued by said court with the same authority and power provided for such service in the inferior courts of this state. Any person specifically appointed for such purpose under this section shall serve without compensation.

(Added by Res. No. 65-671, § 1, 7-20-65; amended by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.15. Cost bond or cash deposit required in civil cases; exceptions; schedule of deposits.

Before any original process shall issue from said court in a civil case, the plaintiff shall exercise a cost bond as good security as deemed necessary by the court clerk in the sum of twenty-five dollars (\$25.00) or in lieu thereof, make a cash deposit with the court clerk of not less than three dollars (\$3.00) nor more than twenty-five dollars (\$25.00) to cover the cost of such proceeding and, on motion, the court may increase or decrease the security so required. The presiding judge with the approval of the majority of the judges shall be authorized to establish a schedule of deposits in the various forms of action and to publish such schedule which shall be uniformly adhered to in the various parts, divisions or branches of said court. Provided, that any resident of this state who shall be eligible to take and prescribe to the oath provided for poor persons may commence and propose an action on paupers oath as provided in Tennessee Code Annotated, section 20-12-127. The provisions of this section shall not apply to suits instituted by the metropolitan government, its agencies or departments.

(Added by Res. No. 71-1222, § 1, 8-5-71; Res. No. 88-526, § 21, 10-4-88)

Sec. 14.16. Bail in misdemeanor cases.

In all misdemeanor cases where bond is made for appearance before the court, each of the judges of said court is hereby authorized and empowered to prescribe the amount of bail, either cash or otherwise, with the same discretionary powers granted to courts of record by Tennessee Code Annotated, section 40-11-113. Upon default in appearance of the defendant, the judge before whom such default occurs is hereby authorized to grant relief, lessen or remit liability upon the recognizance, as provided for other courts in Tennessee Code Annotated, section 40-11-203 and section 40-11-204; and in case of cash bonds, said judge may hear proof and order any fine imposed and cost to be paid out of such bond. Any unused surplus of cash bond and other funds in excess of cost paid for exoneration of sureties shall be disbursed by the court clerk as provided by law for forfeitures.

(Added by Res. No. 71-1222, § 1, 8-5-71; Res. No. 88-526, §§ 22, 23, 10-4-88)

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Sec. 14.17. Rules and regulations for bondsmen; rules for release of persons on own recognizance bonds and deposit of driver's license.

The presiding judge, with the approval of the majority of the judges, shall prescribe and shall cause to be prescribed such reasonable rules and regulations for professional bondsmen undertaking to do business before the court as may be necessary for the orderly and expeditious conduct and operation of said court, as provided in Tennessee Code Annotated, sections 40-4-101 through 40-4-108. Said presiding judge, with the approval of the majority of the judges, shall also promulgate and publish rules for release of persons charged with violation of state law on their own recognizance bonds; and/or the deposit of driver's license in lieu of bond for persons charged with the violation of traffic laws.

(Added by Res. No. 71-1222, § 1, 8-5-71; Res. No. 88-526, § 24, 10-4-88)

Sec. 14.18. Persons authorized to prosecute cases before court.

The metropolitan department of law of the metropolitan government is hereby authorized to prosecute before the court, any and all cases involving violations of ordinances, regulations, resolutions and Private Acts of the metropolitan government filed in or pending before said court. The district attorney general of Davidson County, Tennessee, or his duly authorized representatives, are hereby authorized to prosecute before the court any and all violations of state law filed in or pending before said court.

(Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.19. Court administrator.

The office of court administrator of the metropolitan general sessions court is hereby created. The court administrator of the court shall be appointed by a majority of the judges of said court and shall serve for a period of three (3) years, with a salary of fifteen thousand dollars (\$15,000.00) per year, payable in not less than monthly installments, and he shall act as liaison between the court and clerk's office of the metropolitan general sessions court. The court administrator shall perform the following duties and functions, including but not limited to:

- A. Forming and submitting continually to the presiding judge of the court, recommendations for improving the efficiency and operation of the metropolitan general sessions court, including civil, criminal and traffic case procedure;
- B. Investigating complaints, involving the conduct and operation of the court, taking action upon such complaints as may be necessary or appropriate under the systems, subject to approval of the presiding judge in case of a serious nature;
- C. Assist the presiding judge in the preparation of budgeting and fiscal reports and documents as may be necessary and proper for the operation and maintenance of the court;
- D. Approving all claims for expenditures of such funds as may be appropriated for the court, including requisitions and claims for the purchase of necessary equipment, materials and supplies so appropriated;
- E. That it secure and maintain accommodations, securing supplies and materials for the judges, and other officers and employees of the court;
- F. Collecting and compiling data, including cases filed, disposing of those pending, and information on expenditures and receipts of the court, and preparation of quarterly and annual reports on these and other court activities;

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- G. Act as secretary of any and all matters of the court;
- H. Keeping and maintaining the docketing as prescribed in [section 14.09B](#) herein, or in such form and manner as the presiding judge shall prescribe;
- I. Perform such other relative duties as may be requested or assigned by the presiding judge.

(Added by Res. No. 71-1222, § 1, 8-5-71)

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 14.20. Clerks—How furnished; chief deputy clerks; compensation; bonds.

One (1) clerk's office shall serve the metropolitan general sessions court, and the necessary clerks for the operation of the same shall be furnished by the criminal court clerk, Davidson County, Tennessee, for the operation of the criminal court part of the metropolitan general sessions court, and the said criminal court clerk shall designate one (1) deputy clerk as chief deputy; and all necessary deputy clerks for handling the civil cases of the metropolitan general sessions court will be furnished by the circuit court clerk, Davidson County, Tennessee, who shall name one as chief deputy clerk; and the clerks now serving the three (3) divisions of the metropolitan court are hereby transferred to the clerk's office to handle the metropolitan warrants and procedures for the metropolitan general sessions court, and the chief deputy clerk, now serving said court, shall continue as chief deputy clerk, when all are transferred at their salaries now being paid. The salary of all personnel selected and serving the metropolitan general sessions court, as hereinabove provided shall be established by the clerk appointing them, subject to the approval of the presiding judge, except those clerks involved in handling the municipal warrants, whose salary shall be approved by the presiding judge in accordance with the metropolitan pay schedule plan for the metropolitan government, Nashville, Davidson County, Tennessee. The deputy clerks shall be required to give bond upon the assignment of their duties of office, which shall be in the manner and amounts set by general law.

(Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.21. Same—Powers of deputy clerks.

The deputy clerks are hereby authorized to administer oaths, to take appearance and appeal bonds when the amount thereof has been set by a judge and to issue all process authorized by law. All process shall be issued in the name of the State of Tennessee and may be served by any law enforcement officer authorized by law for such purpose or as may be provided by this Act.

(Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.22. Costs and fees.

In any and all matters, the costs and fees of the court shall be as follows:

- A. In cases involving violation of ordinances, regulations, resolutions or private acts of the metropolitan government, such costs and fees as may be required by ordinance by the metropolitan council;
- B. In civil cases, suits and actions, such cost and fees as may be required by law;

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- C. For violation of state law, such costs and fees as may be required by General Acts of the legislature for general sessions courts. There shall be published a schedule of set cost and fees, as the judges shall direct. The fees and other compensation of the sheriff and his deputies, game wardens and state highway patrol for the execution and service of writs and process of the court shall be the same as those required by law.

Such fees and compensation as may be due for service rendered by the court shall be paid to the respective clerks servicing said court. Said cost, fees and mileage of witness fees, commissions and emoluments of the sheriff and his deputies, game wardens, state highway patrol and other officers for service rendered to the court, and the fines and forfeits imposed by the court and all other funds coming to the court, shall be received, accounted for and disbursed by the respective clerks as provided herein.

(Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.23. Disposition of monies and receipts.

The clerk shall deposit to his respective account, all funds and receipts accruing to the court under [section 14.22](#) herein and any and all other monies and receipts accruing to said court. Any and all disbursements from such account shall be made upon orders of the court and as required by law or in his absence, inability or incapacity, by such person as the judges shall designate. The judges may authorize the establishment of such bank account or accounts as may be necessary for the management of funds held as judgments in civil cases.

(Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.24. Court officers.

Each judge of the court is hereby authorized to appoint two (2) court officers who shall serve at the pleasure of said judge and whose compensation shall be the same as that paid to the officers of the criminal court and shall be paid from the general funds of the metropolitan government. It shall be the duty of said court officers to maintain order during sessions of the court, to serve process as ordered and to perform such other duties as may be prescribed by the judge. Said court officer shall, while acting in the performance of their duties, possess and exercise police powers to the same extent as that granted members of the metropolitan police department.

(Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.25. Probation department or division authorized.

The judges of the court are hereby authorized to create and establish a department or division of probation which shall be a division of the metropolitan government.

(Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.26. Appeals.

An appeal from a civil judgment or judgment for any ordinance, regulation, resolution or private acts may be taken to the circuit court of Davidson County, Tennessee. Such appeal shall be taken upon bond or in lieu of bond, on the paupers oath as provided in Tennessee Code Annotated, section 20-12-127, within the time and in the manner prescribed by law for appeals from courts of general sessions to the

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circuit courts, and appeals from writs of certiorari from judgments of the metropolitan general sessions court shall likewise be made in accordance with law.

Appeals on behalf of the defendant from a judgment in any criminal case tried by the court may be taken to the criminal court of Davidson County, Tennessee. Such appeal shall be prayed and granted within ten (10) days from the rendition of the judgment or as otherwise provided by law, and shall not act as a stay or supersedeas of the judgment unless the defendant shall execute an appeal bond with good and solvent surety, to pay the fines and costs and other costs adjudged upon appeal. Provided, that this section shall not be construed to require the metropolitan government to make bond to perfect any appeal taken hereunder. Any such appeal shall be perfected by written notice from the director of the metropolitan department of law or any assistant thereof, addressed to the court clerk of the metropolitan general sessions court.

(Added by Res. No. 71-1222, § 1, 8-5-71; Res. No. 88-526, § 25, 10-4-88)

Sec. 14.27. Court to take judicial notice of Charter and general and urban services districts.

In addition to any matters of which the court is authorized, empowered and required to take judicial notice by law, said court shall take judicial notice of the Charter of the metropolitan government of Nashville and Davidson County, Tennessee, and the general and urban services district of said metropolitan government as set forth in the Metropolitan Charter.

(Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.28. Rules of court.

The laws regarding pleading and practice in civil cases, issuing of writs and process in civil cases in the courts of general session of this state at the time of the adoption of this amendment shall be applicable to and shall govern practice and procedures in the court until such time as rules and practices and procedures are promulgated as provided in [section 14.09A](#) herein.

(Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.29. Transfer of files, dockets, funds, suits, etc., from former courts.

Upon the effective date of this Act, as provided in [section 14.30](#) herein, any and all files, dockets, records, equipment, funds and criminal and civil cases, suits, actions and outstanding writs and process, then existing in the court of general sessions of Davidson County, Tennessee, and the metropolitan court of the metropolitan government of Nashville and Davidson County, Tennessee, shall be deemed to have been transferred to the metropolitan general sessions court of Nashville and Davidson County, Tennessee, and said court shall have jurisdiction and authority to hear and determine all undisposed cases under this section as though all such cases had originated in such court created herein.

(Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.30. Severability of provisions.

Each of the provisions of this amendment ^{5a} is hereby declared to be severable, and if any section or sections, clauses or parts are invalid or unconstitutional, the remaining provisions of said amendment shall continue in full force and effect, it being the express legislative intent as declared herein that the

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amendment would have been adopted even if such invalid or unconstitutional matters had not been included therein.

(Added by Res. No. 71-1222, § 1, 8-5-71)

5a. Sections [14.01](#) to [14.09B](#); [14.12](#) to [14.32](#)

Sec. 14.31. Continuation of office of public defender.

The office of public defender for the metropolitan government as it is presently constituted shall be continued with the same powers, duties, functions, privileges and provisions for personnel and compensation as is presently provided for, there being no intention in this amendment to alter in any way the office of the public defender or the rights, privileges and duties of the incumbent.

(Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.32. Continuation of juvenile court; jurisdiction of metropolitan general sessions court limited in juvenile matters.

The juvenile court for Davidson County created by chapter 390 of the Private Acts of 1953 is hereby recognized as a court of the metropolitan government of Nashville and Davidson County. Pursuant to section 7-3-311, Tennessee Code Annotated, said court is hereby provided for and continued, with all rights, duties, powers, obligations, privileges and responsibilities as set forth in said chapter 390 of the Private Acts of 1953 and any acts amendatory thereof. The jurisdiction of the metropolitan general sessions court created by [section 14.01](#) of this Charter shall not extend to matters over which the juvenile court shall have been given exclusive jurisdiction by said section 7-3-311, or other applicable law.

(Added by Res. No. 71-1222, § 1, 8-5-71; Res. No. 88-526, § 26, 10-4-88)

ARTICLE 15. ELECTIONS AND REMOVAL OF OFFICERS

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[Sec. 15.01. When general metropolitan elections held; who may vote; qualifications of candidates.](#)

[Sec. 15.02. Vote required for election in metropolitan elections; runoff elections.](#)

[Sec. 15.03. Special elections.](#)

[Sec. 15.04. Applicability of general election laws.](#)

[Sec. 15.05. Ouster of metropolitan officers.](#)

[Sec. 15.06. Recall of metropolitan officers.](#)

[Sec. 15.07. Procedure in general.](#)

[Sec. 15.08. Holding the recall election.](#)

[Sec. 15.09. Recall election results—Votes required for election—Runoff election.](#)

[Sec. 15.10. Failure to qualify—Tie vote.](#)

Sec. 15.01. When general metropolitan elections held; who may vote; qualifications of candidates.

For the purpose of electing a mayor, vice-mayor, five (5) councilmen-at-large and thirty-five (35) district councilmen, there shall be held on the first Thursday in April, 1966, and on the first Thursday in August of 1971, and each four (4) years thereafter, a general metropolitan election. At such general election each voter shall be entitled to vote for one (1) candidate for mayor, one (1) candidate for vice-mayor, five (5) candidates for councilmen-at-large, and one (1) candidate for district councilman from the district wherein the voter resides; and the names of all qualified candidates shall be so placed on the ballot or voting machine as to accord the voter such right. All persons who are lawfully registered and who are qualified to vote for members of the general assembly of the State of Tennessee shall be qualified to vote in the metropolitan elections. The name of any candidate shall be included on the ballot or the voting machines when a written petition signed by at least twenty-five (25) qualified voters shall so request and when said petition shall be filed with the county commissioners of election at least within the number of days prior to the election provided by general law for the filing of qualifying petitions of candidates for election to county offices.

(Amended by Res. No. 65-670, § 1, 7-6-65; Res. No. 66-1053, § 1, 8-16-66)

Note—See Tenn. Const. ART. VII, SECT. 5:

Sec. 5. Civil officers—Election—Vacancies.—

Elections for Judicial and other civil officers shall be held on the first Thursday in August, one thousand eight hundred and seventy, and forever thereafter on the first Thursday in August next preceding the expiration of their respective terms of service. The term of each officer so elected shall be computed from the first day of September next succeeding his election. The term of office of the Governor and of other executive officers shall be computed from the fifteenth of January next after the election of the Governor. No appointment or election to fill a vacancy shall be made for a period extending beyond the unexpired term. Every officer shall hold his office

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until his successor is elected or appointed, and qualified. No special election shall be held to fill a vacancy in the office of Judge or District Attorney, but at the time herein fixed for the biennial election of civil officers; and such vacancy shall be filled at the next Biennial election recurring more than thirty days after the vacancy occurs.

Sec. 15.02. Vote required for election in metropolitan elections; runoff elections.

In the general metropolitan election those qualified persons who receive a majority of the votes cast for mayor, vice-mayor and district councilman for each of the thirty-five (35) districts shall be elected to their respective offices; and those five (5) qualified persons who receive the highest number of votes, being also a majority of the total vote cast for the office of councilmen-at-large, shall be elected to such office.

In the general election if no candidate shall receive a majority of all the votes cast for the office of mayor, vice-mayor or district councilman, a runoff election shall be held with respect to such unfilled office or offices. In the runoff election only the names of the two (2) candidates who received the highest number of votes cast for such office which failed to be filled at the general election shall be placed on the official ballot or voting machine.

In the general election if less than five (5) candidates receive a majority of the total vote cast for the office of councilmen-at-large, the number receiving a majority shall be elected and a runoff election shall be held with respect to the unfilled offices. For the purpose of this section, "the total vote cast for the office of councilmen-at-large" shall be deemed to be one-fifth of the aggregate number of votes received by all candidates for the office of councilmen-at-large. In the runoff election, there shall be included on the ballot or voting machine a number of candidates which is twice the number of vacancies remaining to be filled. The candidates to be so included shall be those who in the general election received the highest vote less than a majority and the other candidates shall be eliminated. In the event of a tie vote among candidates, one (1) of whom should be in the runoff except for such tie, then all such candidates so having tie votes shall be in the runoff. In a runoff election for councilmen-at-large it shall not be necessary to receive a majority and those candidates who have the highest vote and who equal in number those remaining to be elected shall be elected.

The runoff election, if required, shall be held on the third Thursday in May, 1966, being three (3) weeks subsequent to the general election held in that year, and, thereafter, the runoff election shall be held on the second Thursday in September, being five (5) weeks subsequent to each general election held after 1995. In the case of tie between candidates for the same office, it shall be broken as provided by Tennessee Code Annotated, section 2-8-111.

(Amended by Res. No. 65-670, § 1, 7-6-65; Res. No. 88-526, § 27, 10-4-88)

Editor's note— Section 15.02 was amended at a referendum election held November 5, 1996.

Sec. 15.03. Special elections.

There shall be held a special metropolitan election to fill a vacancy for the unexpired term in the office of mayor and in the office of district council member whenever such vacancy shall exist more than twelve (12) months prior to the date of the next general metropolitan election. The 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. When a vacancy exists in the office of vice mayor or in the office of councilmember-at-large, said office shall remain vacant until the next general election at which time such vacancy shall be filled; however, in no event shall a special election be held to fill such

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vacancy. If in such special election to fill a vacancy for the unexpired term of the office of mayor or district council member, or in the general election at which time a vacancy in the office of vice mayor or councilmember-at-large, 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. 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 and to general elections at which time a vacancy is filled.

(Amended by Res. No. 65-670, § 1, 7-6-65; Res. No. 88-526, § 28, 10-4-88; amended by referendum petition approved August 2, 2007)

Editor's note—In addition to the legislation given in the history note, § 15.03 was amended in its entirety by virtue of a referendum petition approved November 8, 1994, and amended again at a referendum election held November 5, 1996.

Sec. 15.04. Applicability of general election laws.

The general election laws of the state shall be applicable to all metropolitan elections, except as otherwise provided in this article.

Sec. 15.05. Ouster of metropolitan officers.

The mayor, vice-mayor, members of the council, and every member of a metropolitan board or commission appointed for a special term shall be subject to ouster under the terms and provisions of Tennessee Code Annotated, sections 8-47-101 through 8-47-107, and within the meaning of such law metropolitan officers are hereby declared to be county and municipal officers.

(Res. No. 88-526, § 29, 10-4-88)

Sec. 15.06. Recall of metropolitan officers.

The mayor, vice-mayor and members of the council and metropolitan board of public education may be removed from such office by the qualified voters of the metropolitan government or of a councilmanic or school district according as the official sought to be removed has been elected by the voters of the metropolitan government or of a councilmanic or school district at any time except during the first one hundred and eighty (180) days or the last one hundred and eighty (180) days of their terms, in the manner hereafter provided.

Editor's note— Section 15.06 was added by referendum election held Aug. 1, 1991.

Sec. 15.07. Procedure in general.

In order to recall an official set out in [Section 15.06](#) of this Metropolitan Charter, a petition demanding the election of a successor of the person sought to be removed and containing a statement of the reason(s) why removal is sought must be filed with the metropolitan clerk. The only purpose of such statement is to furnish information to the electors.

A recall petition for the offices of mayor, vice mayor, and councilman-at-large shall contain signatures and addresses of registered qualified voters in number equal to fifteen (15) percent of the

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registered qualified voters in Davidson County; a recall petition for the offices of metropolitan board of public education and district councilmember shall contain the signatures and addresses of registered qualified voters in number equal to fifteen (15) percent of the registered qualified voters of the district from which the officer was elected. The above percentages shall be computed from the total number of qualified registered voters for each office according to the latest official count of registered qualified voters made by the Davidson County Election Commission thirty (30) days prior to the date the recall petition is initially filed with the metropolitan clerk. The signatures and addresses to any recall petition need not all be appended to one sheet of paper. The verification of the signatures shall be made by the Davidson County Election Commission and certified to the metropolitan clerk.

A notice of the intention to obtain signatures for a recall petition, together with the form of the recall petition, must be filed with the metropolitan clerk prior to obtaining signatures of registered qualified voters. Such recall petition containing the required number of registered qualified voters must be filed with the metropolitan clerk not later than thirty (30) days following the date the notice is properly filed.

Editor's note— Section 15.07 was added by referendum election held Aug. 1, 1991. The third paragraph was added to § 15.07 by referendum election held November 5, 1996.

Sec. 15.08. Holding the recall election.

If the petition contains the requisite number of proper signatures, the metropolitan clerk shall immediately certify to the Davidson County Election Commission a copy of same and it shall thereupon be the duty of the Davidson County Election Commission to give notice and make all arrangements for the holding of such recall election, and the same shall be conducted, returned, and the results thereof declared, as provided by law in the case of a general election for the office held by the incumbent to which the petition relates. The Davidson County Election Commission shall hold the recall election within the time limits set in Tennessee Code Annotated, Section 2-3-204 for holding elections on questions.

Any person sought to be removed may be a candidate to succeed himself; and unless he in writing or otherwise requests, it shall be the duty of the Davidson County Election Commission to place his name on the official ballot without nomination or petition by anyone.

Editor's note— Section 15.08 was added by referendum election held Aug. 1, 1991.

Sec. 15.09. Recall election results—Votes required for election—Runoff election.

In any such recall election, the candidate receiving a majority of the votes cast for the office involved shall be declared elected and shall hold the office during the unexpired term of the incumbent. If at such recall election, some person other than the incumbent receives a majority of the votes cast, the incumbent shall thereupon be deemed removed from office upon the qualification of his successor so elected.

If at such recall election no person receives a majority of the votes cast for the office involved, there shall be a runoff election and it shall thereupon be the duty of the Davidson County Election Commission to give notice and make all arrangements for the holding of such runoff election, and the same shall be conducted, returned, and the results thereof declared, as provided by law in the case of a general election for the office held by the incumbent to which the petition relates.

In the runoff election, only the names of the two (2) candidates who received the highest number of votes cast for the office involved shall be placed on the official ballot. The runoff election, if required, shall

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be held by the Davidson County Election commission not less than thirty (30) days nor more than forty-five (45) days after it is determined that a runoff election is required.

Editor's note— Section 15.08 was added by referendum election held Aug. 1, 1991.

Sec. 15.10. Failure to qualify—Tie vote.

In case the person who receives a majority of the votes cast for the office involved shall fail to qualify within ten (10) days after receiving notice of election, the office shall be deemed vacant and filled as provided by law for the filling of a vacancy in said office; but if the incumbent receives a majority of the votes cast in such election, he shall continue in office.

In case of a tie vote between the candidates in such runoff election, it shall be broken as provided by Tennessee Code Annotated, Section 2-8-111.

Editor's note— Section 15.10 was added by referendum election held Aug. 1, 1991.

ARTICLE 16. FUNCTIONS OF CONSTITUTIONAL AND COUNTY OFFICERS*

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* Annotation—Constable is a constitutional officer, and office was therefore not abolished by adoption of Metropolitan Charter. *Glasgow v. Fox*, 214 Tenn. 656, 383 S.W. 2d 9 (1964).

[Sec. 16.01. County judge.](#)

[Sec. 16.02. County court clerk.](#)

[Sec. 16.03. Duties of metropolitan government to certain state and county officers recognized.](#)

[Sec. 16.04. Reserved.](#)

[Sec. 16.05. Sheriff.](#)

Sec. 16.01. County judge.

Nothing in this Charter is intended or shall be construed to alter or affect the judicial powers and functions of the county judge and the same shall continue as provided by general law or private act. The compensation of the county judge shall be as provided by general law with respect to chancellors; provided, that this section shall not alter or diminish the compensation of the incumbent county judge prior to the expiration of his present term of office in 1966. The county judge is hereby recognized as an officer of the metropolitan government in the exercise of his judicial functions, having the same relationship to such metropolitan government in the performance of such judicial functions as he previously had to the County of Davidson.

Sec. 16.02. County court clerk.

Nothing in this Charter is intended or shall be construed to alter or affect the powers, duties and responsibilities of the county court clerk as a collector of state revenues or as the clerk of the probate court. All fees, commissions, emoluments and perquisites of the office of county court clerk shall accrue to the metropolitan government as has been provided in [section 8.118](#) of this Charter.

Annotation—Merchants' ad valorem tax is a local tax, and assignment by this Charter of duties of assessment and collection of such tax does not abridge duties of county clerk as collector of state revenues. *Winter v. Allen*, 212 Tenn. 84, 367 S.W. 2d 785 (1963).

Sec. 16.03. Duties of metropolitan government to certain state and county officers recognized.

Nothing in this Charter is intended or shall be construed to affect the powers, duties or compensation of the district attorney, circuit court clerk, criminal court clerk, clerk and master of the chancery court or county register, except as set forth in this section. The metropolitan government and its council shall have the same relationship, including powers, duties and responsibilities, to said officers and their assistants and office personnel as the County of Davidson and its quarterly county court had prior to the effective date of this Charter. It being recognized that this Charter as to metropolitan courts may operate to reduce

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the fees of the office of criminal court clerk, the metropolitan council is hereby authorized and directed to appropriate for the maintenance of such office such sum of money as may be necessary in addition to statutory fees for the proper operation of said office and for the maintenance of his salary at the present (maximum) level. Whenever by general law or private act the County of Davidson has been authorized or required to appropriate money, to contribute toward the compensation of expenses of said officers or their offices, or to perform other duties with respect thereto, the metropolitan government shall be vested with the same authority and obligation. Said officers and their official personnel shall also have the same relationship, including powers, duties and responsibilities with respect to the metropolitan government as they previously had to the County of Davidson or the City of Nashville. All fees, commissions, emoluments and perquisites of any or said offices shall accrue to the metropolitan government as the same formerly accrued to the County of Davidson.

The metropolitan government shall also have the same obligations and duties as the County of Davidson formerly had with respect to compensation or expenses of court officers, bailiffs, secretaries and all other persons, and such duties may hereafter be changed by amendment or repeal of the respective private acts creating such duties when the amendatory or repealing act has been approved by the electorate or the council, as provided by the Constitution of Tennessee.

Sec. 16.04. Reserved.

Editor's note— Section 16.04, relating to the composition, powers and functions of the quarterly county court, was repealed at an election held Aug. 4, 1983.

Sec. 16.05. Sheriff.

The sheriff, elected as provided by the Constitution of Tennessee, is hereby recognized as an officer of the metropolitan government. He shall have such duties as are prescribed by Tennessee Code Annotated, section 8-8-201, or by other provisions of general law; except, that within the area of the metropolitan government the sheriff shall not be the principal conservator of peace. The function as principal conservator of peace is hereby transferred and assigned to the metropolitan chief of police, provided for by [article 8](#), chapter 2 of this Charter. The sheriff shall have custody and control of the metropolitan jail and of the metropolitan workhouse. The council may by ordinance authorize the sheriff to provide security within buildings of the metropolitan government and, pursuant to a written agreement between the metropolitan government and a metropolitan agency or authority or judges of the Davidson County Circuit, Chancery, Criminal or General Sessions courts, within any building or at any official meeting of such agency or authority or within any courtroom while such court is in session. The council may by ordinance, upon recommendation of the metropolitan chief of police and sheriff, authorize the sheriff to perform duties as may be unassigned by the charter, or currently assigned to the metropolitan chief of police, relating to the intake, processing, identification and questioning of arrestees, detainees, prisoners and other persons in official custody.

(Res. No. RS2012-277, § 1(Amdt. 3), 9-18-2012, election of 11-6-2012; Res. No. 88-526, § 30, 10-4-88)

ARTICLE 17. PUBLIC UTILITY FRANCHISES

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[Sec. 17.01. Irrevocable franchises granted only by ordinance.](#)

[Sec. 17.02. Granting ordinances to be ratified at election.](#)

[Sec. 17.03. Restrictions on all future public utility franchises and reserved powers of metropolitan government.](#)

[Sec. 17.04. General requirements.](#)

[Sec. 17.05. Acquiring property of public utility by condemnation.](#)

[Sec. 17.06. Recognition of franchises granted by county or city.](#)

[Sec. 17.07. Regulation of street railway companies.](#)

[Sec. 17.08. Limited scope of article.](#)

Sec. 17.01. Irrevocable franchises granted only by ordinance.

All irrevocable public utility franchises and all renewals, extensions and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted before thirty (30) days after application therefor has been filed with the council, nor until full public hearing has been held thereon.

Sec. 17.02. Granting ordinances to be ratified at election.

No such ordinance shall become effective until it has been submitted to the electors of the metropolitan government and has been approved by three-fifths of the electors voting thereon. No such ordinance shall be submitted to the electors at an election to be held less than sixty (60) days after the grantee named therein has filed its unconditional acceptance of such franchise, and it shall not be submitted to a special election unless the expense of holding the election, as determined by the council, shall have been paid to the metropolitan treasurer by the grantee.

In any election held under the provisions of this article, wherein is submitted any franchise ordinance for ratification by the voters, it shall not be necessary to print the entire ordinance on the ballot. It shall only be necessary to submit the question of ratification of such ordinance, together with a brief statement of the purpose or purposes of the same, and the date of its enactment by the mayor and council. The ordinance itself may provide for the form of its submission on the ballot.

Sec. 17.03. Restrictions on all future public utility franchises and reserved powers of metropolitan government.

No exclusive franchise shall ever be granted and no franchise shall be granted for a longer term than thirty (30) years. No such franchise shall be transferable, directly or indirectly, except with the approval of the council expressed by ordinance.

All public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the metropolitan government:

1. To repeal the same for misuse or nonuse, or for failure to comply therewith.

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2. To require proper and adequate extension of plant and service and the maintenance thereof, at the highest practicable standard of efficiency.
3. To establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates.
4. To make independent audit and examination of accounts at any time, and to require reports annually.
5. To require continuous and uninterrupted service to the public in accordance with the terms of the franchise, throughout the entire period thereof.
6. To impose such other regulations as may be determined by the council to be conducive to the safety, welfare and accommodation of the public.

Sec. 17.04. General requirements.

All public utility franchises shall make provision for fixing rates, fares and charges, and for readjustments thereof at periodic intervals of not more than five (5) years, either by arbitration upon terms to be specifically set forth in the franchise, or by state agency, at the election of the metropolitan government. The value of the property of the utility used as a basis for fixing such rates, fares and charges shall in no event include a value predicated upon the franchise, good will or prospective profits.

Every public utility may be required by the metropolitan government to permit joint use of its property and appurtenances located in the streets, alleys, and public places of the metropolitan government, by other public utilities, in so far as such joint use may be reasonably practicable, and in accordance with the provisions of the National Electrical Safety Code upon payment of reasonable rental therefor; provided, that in the absence of agreement, upon application by any public utility, the council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, which award shall be final.

The right to use, control and regulate use of its streets, alleys, bridges and public places, and spaces above and beneath them, is hereby reserved to the metropolitan government, and every public utility franchise shall be subject thereto. Every public utility shall indemnify the metropolitan government against and pay for such damage as it causes to streets, alleys, bridges and other public places by reason of excavations, cutting of pavements, construction work and the like, provided this obligation shall not obligate the public utility to pay for damages resulting from usual wear and tear or its ordinary use of such public places.

Sec. 17.05. Acquiring property of public utility by condemnation.

The metropolitan government shall have power to acquire by condemnation or otherwise the property of any public utility. This power shall be exercised in accordance with the general laws of the state pertaining to such acquisition by cities and may be exercised only after having been approved by three-fifths of the electors voting thereon under the procedure required by [section 17.02](#) hereof in the case of franchises. The cost of such election shall be borne by the metropolitan government.

Sec. 17.06. Recognition of franchises granted by county or city.

This Charter and this article shall not affect valid franchises heretofore granted or transfers thereof heretofore approved by the County of Davidson or the City of Nashville, but the same shall continue in force and effect in accordance with their valid provisions, terms and conditions.

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Sec. 17.07. Regulation of street railway companies.

The entire and complete supervision, regulation, jurisdiction and control over street railway companies operating within the territory embraced in the metropolitan government and the environs thereof shall be vested solely in and exercised solely by Nashville Transit Authority as created and established under the terms and provisions of chapter 487, Private Acts of 1953, as amended by chapter 307, Private Acts of 1955, and chapter 165, Private Acts of 1957, and as set forth in Appendix Four hereto to which reference is made. Neither the mayor nor the council nor any other officer or agency of the metropolitan government shall have or exercise any authority whatsoever over such street railway companies, or over Nashville Transit Authority except as expressly provided in said Appendix Four.

No franchise to operate a street railway company on the streets and highways of the metropolitan government shall be granted except upon referendum as hereinabove set forth and nothing in said Appendix Four shall be construed as depriving the citizens of the metropolitan government of the right to grant franchises by referendum through the procedure herein established.

Sec. 17.08. Limited scope of article.

Nothing in this article shall empower any agency of the metropolitan government to regulate rates, charges and services of any public utility whose rates, charges and services are regulated by the Tennessee Public Service Commission.

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[Sec. 18.15. Status of smaller cities and voluntary surrender of their charters; creation of suburban utility districts.](#)

[Sec. 18.16. County executive committees for political parties.](#)

[Sec. 18.17. Authority to deal with state and federal agencies as to specific governmental services.](#)

Sec. 18.01. Metropolitan clerk.

There is hereby created and established the office of metropolitan clerk, which shall be charged with the recording and safekeeping of minutes, resolutions and ordinances of the metropolitan council and of all other documents relating to official actions of the metropolitan government. The metropolitan clerk shall also perform such other duties as may be imposed upon him by this Charter or by ordinance. The metropolitan clerk shall act under the supervision and control of the mayor and council.

Any vacancy in the office of metropolitan clerk shall be filled by the appointment of the mayor, subject to the confirmation by the metropolitan council, pursuant to the civil service provisions of this Charter. Such clerk shall have been a resident of the area of the metropolitan government for at least five (5) years preceding the clerk's appointment. The clerk's office shall be a civil service office and compensation shall be fixed in the metropolitan pay plan provided for by [article 12](#). The clerk shall have such clerical help as may be provided by ordinance.

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Editor's note—An amendment to the second paragraph of this section, requiring council confirmation of the appointment of the clerk by the mayor, was approved at an election held Aug. 4, 1983.

Sec. 18.02. Enactment, revisions, modification or changes of zoning regulations.

Zoning regulations shall be enacted by the council only on the basis of a comprehensive plan prepared by the metropolitan planning commission in accordance with the applicable state laws and as provided in section 3.05 of this Charter.

Any revision, modification or change in the zoning regulations of the metropolitan government as provided in this section shall be made only by ordinance. Where a proposed ordinance revises, modifies, or changes the zoning regulations and is not accompanied at introduction by a favorable recommendation of the metropolitan planning commission, a copy thereof shall be promptly furnished by the metropolitan clerk to said planning commission, and the same shall not be passed on second reading until the recommendation of said planning commission with respect to the proposal has been received or thirty (30) days have elapsed without such recommendation. No ordinance making any revision, modification or change in the zoning regulations which has been disapproved by the metropolitan planning commission shall be finally passed or become effective unless it shall be adopted by a two-thirds majority of the whole membership of the council and also then be approved by the metropolitan mayor, with a three-fourths majority of the whole membership of the council required to override a veto.

Sec. 18.03. Board of zoning appeals.

A metropolitan board of zoning appeals may be established as provided by state law and ordinance enacted by the council in accordance with the provisions of this Charter. No member of said board of zoning appeals shall hold any public office or position nor shall any member receive any financial compensation for serving on said board.

Sec. 18.04. Nashville Housing Authority.

The Nashville Housing Authority, created pursuant to section 13-20-401 to section 13-20-418, inclusive, of Tennessee Code Annotated, is hereby recognized as existing and functioning within the area of the metropolitan government and as having the same relationship to the metropolitan government as said Nashville Housing Authority previously had to the City of Nashville. Said housing authority is hereby declared to be a city housing authority as provided for by Tennessee Code Annotated, sections 13-20-401 to 13-20-418, inclusive, and also as a county housing authority as provided for by Tennessee Code Annotated sections 13-20-501 to 13-20-511, inclusive. The metropolitan mayor shall be deemed a mayor for the purposes of said city housing authorities act as therein referred to. He shall have authority to designate and appoint, subject to confirmation by the council, members of the board of commissioners of The Nashville Housing Authority of the metropolitan government as their terms expire or as their offices otherwise become vacant.

(Res. No. 88-526, §§ 31-33, 10-4-88)

State law reference—Tennessee Housing Development Agency Act, T.C.A. § 13-23-101 et seq.

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Sec. 18.05. Change in salary of metropolitan officers.

The salary or compensation of the public defender and of administrative and professional officers or employees, including the mayor, councilmen and other elected officials whose salary or compensation is fixed by this Charter, may be changed by the metropolitan council and established as part of the general pay plan as provided for by [section 12.10](#) of this Charter. Provided, however, that the salaries of elected officials shall not be increased or diminished during the period for which they shall have been elected.

(Amended by Res. No. 66-1053, § 1, 8-16-66; Substitute Res. No. 78-1051, 9-19-78)

Sec. 18.06. Redistricting of councilmanic districts.

Redistricting of the councilmanic districts set forth in Appendix Two of this Charter may be accomplished in the following manner:

Within six (6) months after the decennial census of 1970 and each one thereafter is published by the United States Census Bureau showing the population in the area of the metropolitan government, it shall be the duty of the planning commission to recommend to the council whether redistricting of the councilmanic districts is necessary to prevent substantial underrepresentation of particular areas as the result of population changes. If the planning commission shall recommend that redistricting is necessary, it shall also submit a proposed ordinance designed to accomplish its recommendation. Such ordinance shall also revise the school districts to the extent, if any, that may be deemed necessary. The council shall not amend, but may adopt without change such proposed ordinance. Upon approval thereof by the mayor, or passage over his veto, redistricting shall be accomplished and district councilmen shall be elected accordingly at the next general metropolitan election.

The council may reject the proposed ordinance for redistricting, in which event, by resolution under [article 19](#) of this Charter, it shall submit to the people for approval at a special referendum election to be held within ninety (90) days an amendment to this Charter making effective the redistricting as recommended by the planning commission. At such referendum election the council may submit to the people its own plan for redistricting as an alternative to the proposal of the planning commission also submitted.

At the expiration of ninety (90) days subsequent to the receipt by the council of an ordinance of redistricting, as hereinabove provided, if such ordinance shall not have become effective and if the council shall have failed to submit the same to a special referendum election, then the members of the council shall not receive any further salaries until they take one action or the other.

Sec. 18.07. Titles and subtitles not part of Charter.

It is hereby expressly declared and recognized that the titles and subtitles appearing before the articles, chapters and sections of this Charter are not part hereof and are not intended to determine or to restrict the meaning of its provisions. No substantive provision of this Charter shall be construed to be unintended or ineffective because the same has not been suggested or indicated by a title or subtitle. Titles and subtitles have been placed in this Charter merely for the convenience of those who examine or index its provisions.

Sec. 18.08. Regulation and sale of alcoholic beverages not affected by Charter.

The creation and establishment of the Metropolitan Government of Nashville and Davidson County shall not alter the status of said county as to the legality of the manufacture, receipt, sale, storage,

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transportation, distribution and possession of alcoholic beverages. The local option election heretofore held in said county pursuant to Tennessee Code Annotated, sections 57-3-106 and 57-3-107 shall continue to control until the status shall be subsequently altered by a local option election held pursuant to law. The urban services district, but not the general services district, shall be deemed a municipality within the meaning of section 57-3-106.

The council shall have power and authority (a) for the general services district to regulate and tax the manufacture, distribution and sale of beer and other alcoholic beverages of less than five (5) percent to the same extent that governing bodies of counties now possess, or may hereafter possess, such power and authority, and (b) for the urban services district to regulate and tax the manufacture, distribution and sale of beer and other alcoholic beverages of less than five (5) percent and also the manufacture, receipt, sale, storage, transportation, distribution and possession of other alcoholic beverages to the same extent that governing bodies of cities now possess or may hereafter possess such power and authority.

(Res. No. 88-526, §§ 34, 35, 10-4-88)

Sec. 18.09. Federal, state and other aid.

The Metropolitan Government of Nashville and Davidson County shall be deemed a county and shall also be deemed an incorporated city or municipality for the purpose of determining its right to receive, and for the purpose of receiving, state aid or grant-in-aid from the State of Tennessee or from the United States or from any other agency. Said metropolitan government shall be entitled to receive as state aid or as grant-in-aid from the State of Tennessee or from the United States or from any other agency, public or private, all funds to which a county is, or may hereafter be, entitled and also all funds to which an incorporated city or municipality is or may be hereafter entitled and to receive the same without diminution or loss by reason of consolidation. When state aid or other grant-in-aid is distributed to any county on the basis of population or area, or both, then the entire population and the total area of the county in which such metropolitan government is established shall be considered in calculating and determining the basis for such distribution. When state aid or other grant-in-aid is distributed to any county on the basis of rural area, rural road mileage or rural population, or any combination thereof, then that area of the general services district outside of the urban services district shall be deemed to constitute rural area, its road mileage to constitute rural road mileage and its population to constitute rural population. When state aid or other grant-in-aid is distributed to any incorporated city or municipality on the basis of population or area, or both, then the population and the area of the urban services district shall be deemed the population and the area of the metropolitan government in calculating and determining the basis of such distribution.

Sec. 18.10. Metropolitan agencies authorized to compel attendance of witnesses and production of documents.

The council, the civil service commission, the board of education and every other officer and agency of the metropolitan government authorized to conduct investigations or to hold hearings shall have power to compel the attendance of witnesses and the production of books, papers and records pertinent to the investigation or hearing, and to administer oaths to witnesses. If any person fails or refuses to obey a reasonable order for attendance or reasonable order for the production of books and papers, the council, board or other agency is authorized to apply to the chancery court for an order requiring that the order of the council, board or other agency be obeyed.

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Sec. 18.11. Authorization to council with respect to certain special appropriations.

The council is hereby authorized to include in the annual operating budget for the general services district the following:

- (a) A sum not in excess of twelve thousand five hundred dollars (\$12,500.00) for any year for the use of Nashville Humane Association.
- (b) A sum not in excess of twenty-five thousand dollars (\$25,000.00) for any year for the use of Nashville Children's Museum, of Nashville, Tennessee.
- (c) The sum necessary for the purpose of paying dues or assessments of the metropolitan government for the cost of operating the following organizations and similar nonprofit organizations: The Tennessee Municipal League, Tennessee County Services Association, the National Institute of Municipal Law Officers and the Southern Building Code Congress.
- (d) A sum not in excess of fifteen thousand dollars (\$15,000.00) for any year for the use of the Nashville Symphony Association of Nashville, Tennessee.

Sec. 18.12. No appropriation authorized from budget of general services district to finance certain deficits.

Where any appropriation is made from time to time to finance any deficit in the pension or retirement funds of the former City of Nashville, the same shall be made solely from the budget of the urban services district.

Sec. 18.13. Councilmen disqualified for membership on certain boards and commissions.

Except as otherwise expressly provided in this Charter, no member of the council shall be eligible during the term of office for which he was elected to serve on any metropolitan board or commission created by this Charter.

Sec. 18.14. Fidelity bonds.

Before entering upon the duties of their respective offices or positions, the director of finance, the metropolitan treasurer, the collections officer, the chief accountant, the director of personnel, the purchasing agent and such other officers and employees of the metropolitan government as shall be required by council resolution upon the recommendation of the mayor, shall execute corporate surety bonds and file said bonds with the metropolitan clerk. The sum of the individual bonds shall be fixed by the council resolution, but the amount of the bond shall not in any case be less than one thousand dollars (\$1,000.00). The bond premiums shall be paid from the general fund of the general services district. All such bonds and sureties thereon shall be approved by the department of law before being accepted by the metropolitan clerk.

Sec. 18.15. Status of smaller cities and voluntary surrender of their charters; creation of suburban utility districts.

Any city in Davidson County not abolished by this Charter shall continue to exist and to function the same as prior to adoption of this Charter; except, that no such city shall extend its boundaries by annexation of any area of the metropolitan government. Any such smaller city may contract with the

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metropolitan government for the administration and handling of any of its governmental functions by the metropolitan government; and such smaller city may surrender its Municipal Charter at any time pursuant to Tennessee Code Annotated, section 7-1-106, with the approval of a majority of those voting in the smaller city at an election with respect to such matter. After surrender of Charter, the status of the smaller city in the metropolitan government shall be that prescribed in a resolution adopted by the council prior to such surrender, or otherwise the status shall be that of other areas outside the urban services district at the time of dissolution.

It shall be the obligation of the metropolitan government to furnish smaller cities with governmental services so that such cities will be furnished with governmental services to no lesser extent than other areas outside the urban services district. In furnishing said services, the metropolitan government may take into consideration the governmental services available to the smaller city by the use of state aid and other distributable moneys not derived from local taxation by the smaller city; and in this respect the metropolitan government may contract with the smaller city as to the handling, use and expenditure of such moneys.

After the adoption of this Charter by vote of the people, no city shall be created in the area of the metropolitan government, and there shall exist in such area as municipalities only the urban services district and smaller cities existing prior to the adoption of this Charter.

Nothing in this Charter shall be deemed to prevent the creation of utility districts as provided for by Tennessee Code Annotated, section 7-82-101, et seq., with the county judge to perform the function ascribed to such officer by said statute.

(Res. No. 88-526, §§ 36, 37, 10-4-88)

Sec. 18.16. County executive committees for political parties.

For the purpose of selecting members of a county executive committee for a political party, as prescribed by any valid Private Act heretofore enacted affecting Davidson County, the thirty-five (35) councilmanic districts created and established by section 3.01 of this Charter shall be deemed to be the city wards and also the county districts from which district representatives on a county political executive committee shall be selected. The total of seventy (70) representatives shall consist of one (1) man and one (1) woman from each of the thirty-five (35) districts. Nothing in this section shall terminate or abridge the terms of office of members now serving on any county political executive committee, and except as expressly modified by this section, any Private Act with respect to this subject matter is continued in force and effect.

Sec. 18.17. Authority to deal with state and federal agencies as to specific governmental services.

The mayor and council of the metropolitan government shall have the power and authority to participate in, cooperate in and take all necessary action with respect to any and all projects, programs and undertakings of any nature whatsoever authorized by any statute, rule or regulation of the United States or the State of Tennessee, or any federal or state agency or instrumentality, including, but not limited to, urban renewal, highways, aviation, aviation terminals, airports, airport facilities, river development or river terminals, municipal area or regional development, schools, colleges or any other area of education, sewers and sewage disposal, public housing, housing for the aged, and transportation or mass transit or any phase thereof, to exercise with respect thereto all the powers conferred by section 7-36-102 of Tennessee Code Annotated [Repealed]* and any other state or federal statute, to borrow money and issue promissory notes, general obligation bonds, or revenue bonds, or a combination

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thereof, for any such purposes, and to execute mortgages or deeds of trust in favor of any federal agency, secured by property of which the metropolitan government is the legal, or beneficial or equitable owner, or in favor of any private agency where the loan is guaranteed by a federal agency.

(Res. No. 88-526, § 38, 10-4-88)

* Editor's note—The relevant Code sections are codified at T.C.A. 7-3-301 and 9-21-101 et seq.

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[Sec. 19.01. Amending Charter by resolution of council or petition and popular vote.](#)

[Sec. 19.02. Otherwise amending this Charter.](#)

[Sec. 19.03. Charter revision commission authorized.](#)

Sec. 19.01. Amending Charter by resolution of council or petition and popular vote.

This Charter may be amended subsequent to its adoption in the following manner:

An amendment or amendments may be proposed (1) by the adoption of a resolution by the council favoring the same and submitting it or them to the people for approval. The affirmative vote for adoption of such resolution in the council shall be not less than two-thirds of the membership to which the council is entitled, and such resolution when adopted need not be submitted to the mayor for his approval; or (2) upon petition filed with the metropolitan clerk, signed by ten (10) per cent of the number of the registered voters of Nashville-Davidson County voting in the preceding general election, the verification of the signatures to be made by the Davidson County Election Commission and certified to the metropolitan clerk. Such resolution or petition shall also prescribe a date not less than eighty (80) [days] subsequent to the date of its filing for the holding of a referendum election at which the electorate of the metropolitan government will vote to ratify or to reject the amendments proposed.

The metropolitan clerk shall immediately certify to the county commissioners of election copy of such resolution or petition and it shall thereupon be the duty of said commissioners of election to hold a referendum election with respect thereto. The ballot shall be prepared so as to set forth a brief description of the amendment worded so as to convey the meaning of said amendment, said description to be set forth in the original amendatory resolution, that the language of each amendment in full be posted conspicuously in the voting place and be published in a local newspaper, numbered as the same is numbered in the resolution of the council or in the petition, and to provide the voters a choice to vote "For Ratification" and "Against Ratification" of each proposed amendment. Each proposed amendment shall be ratified when a majority of the votes cast at the special referendum election shall be in favor of ratification and each proposed amendment shall be rejected when a majority of said votes shall be against ratification. Notice of said referendum election shall be given as provided by Tennessee Code Annotated, section 2-1808*, and the costs of said election shall be paid out of the general funds of the metropolitan government.

The commissioners of election shall canvass the returns and certify the results to the secretary of state, who shall issue a proclamation showing the results of said election on the ratification or rejection of each proposed amendment to this Charter. One copy of the proclamation shall be attached to the copy of this Charter previously certified to said secretary of state and one copy shall be delivered to the metropolitan clerk who shall attach the same to the copy of the Charter in his custody.

The council shall not adopt a resolution proposing amendments to this Charter more often than twice during the term of office of members of said council, nor shall any such amendment or amendments be submitted by petition more often than once in each two years.

The council shall not adopt, except pursuant to [section 18.06](#) of this Charter, a resolution which proposes an amendment that redistricts the councilmanic districts unless the same be incidental to a proposed change in the number of such districts.

(Res. No. 72-380, § 1, 11-7-72)

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Editor's note—An amendment to § 19.01 was approved at an election held March 8, 1988.

* Editor's note—The relevant Code sections regarding notice of referenda are codified at T.C.A. § 2-12-111.

Sec. 19.02. Otherwise amending this Charter.

This Charter may also be amended in such other manner as may hereafter be provided by general law for amending the Charter of metropolitan governments.

Sec. 19.03. Charter revision commission authorized.

The council is authorized by ordinance to establish a charter revision commission to hold hearings and to make recommendations to the council with respect to amendments to the charter.

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[Sec. 20.02. Zoning regulations continued.](#)

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[Sec. 20.19. Compensation and pension rights of city mayor and city councilmen preserved.](#)

[Sec. 20.20. Special metropolitan election and term of office of persons then elected.](#)

[Sec. 20.21. Effective date of Charter.](#)

Sec. 20.01. Certain ordinances and resolutions continued.

All city ordinances, resolutions and by-laws in force in the former City of Nashville, the Charter of which is repealed and abolished by this Charter, shall continue in force and effect, when not inconsistent with the provisions of this Charter, and shall have the legal effect of ordinances of the metropolitan government operative within the urban services district until repealed, modified or amended by subsequent action of the metropolitan government. All resolutions of the quarterly county court of Davidson County and regulations pertaining to said county established by Private Act, when not inconsistent with the provisions of this Charter, shall continue in force and effect and shall have the legal effect of ordinances of the metropolitan government until repealed, modified or amended by subsequent action of the metropolitan government.

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Sec. 20.02. Zoning regulations continued.

The creation and establishment of the Metropolitan Government of Nashville and Davidson County shall not alter or change the zoning regulations effective in Davidson County or the City of Nashville at the time this Charter becomes effective, but the same shall continue in force and effect until amended by the council on the basis of recommendations by the metropolitan planning commission or until revised, modified or changed by the council on the basis of a comprehensive plan prepared by the metropolitan planning commission in accordance with the applicable state laws and as provided by this Charter.

From the date of adoption of this Charter¹ to the effective date as defined in [section 20.21](#) hereof,² no change in zoning by action of the City Council of Nashville or of the Quarterly County Court of Davidson County shall affect or alter the zoning to become effective with this Charter, unless such change shall have been recommended by the planning commission or the same shall have received the affirmative vote of three-fourths of said city council or said quarterly county court.

The board of zoning appeals of the City of Nashville and the board of zoning appeals of Davidson County shall continue as constituted and organized at the time of the effective date of this Charter, with their respective powers and duties as provided in the zoning regulations of the City of Nashville and Davidson County as identified in this section. The functioning of said boards of zoning appeals shall be terminated only at such time as the zoning regulations for the metropolitan government area are enacted by the council as provided in [section 18.02](#) of this Charter or at such time as a metropolitan board of zoning appeals may be established pursuant to [section 18.03](#) of this Charter.

1. June 28, 1962.

2. April 1, 1963.

Sec. 20.03. Property rights, contracts, obligations, causes of action and legal proceedings continued.

All rights and titles to property, all rights and obligations under contracts or trusts, and all causes of action of any kind in any court or tribunal vested in the City of Nashville or the County of Davidson or in any officer or employee thereof in his official capacity, at the time this Charter becomes effective,³ as well as all liabilities in contract or tort and causes of action involving the same in so far as they affect the City of Nashville or the County of Davidson or any officer or employee thereof in his official capacity which shall be outstanding at the time this Charter becomes effective, shall continue without abatement or modification by reason of any provision of this Charter.

3. April 1, 1963.

Sec. 20.04. Proceedings before county and city agencies continued.

All petitions, hearings and other proceedings pending before any agency of the City of Nashville or of the County of Davidson shall continue and remain in full force and effect, notwithstanding that such agency may have been abolished or consolidated by this Charter; and the petition, hearing or proceeding may be completed by the agency of the metropolitan government which succeeds to the rights, powers, duties and obligations of such abolished or consolidated agency. The word "agency," as used herein and in sections [20.05](#), [20.06](#) and [20.07](#) of this article, is hereby defined to mean and to include officer, office, department, board or commission.

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Sec. 20.05. Rules and regulations continued.

All orders, rules and regulations made by any agency of the City of Nashville or of Davidson County, which is abolished or consolidated by this Charter, shall remain in full force and effect until revoked or modified by the agency which succeeds to the rights, powers, duties and obligations of such abolished or consolidated agency.

Sec. 20.06. Employees and their civil service status continued.

Where an existing agency of the City of Nashville or of Davidson County is abolished or consolidated by this Charter, all employees thereof shall continue, as temporary appointees of the agency to which the rights, powers, duties and obligations of such abolished or consolidated agency are transferred, to perform their usual duties upon the same terms and conditions as theretofore until removed, appointed to positions in accordance with this Charter, or transferred to other agencies of the metropolitan government. Where the rights, powers, duties and obligations of any such agency are divided between two or more agencies of the metropolitan government, each of them shall receive such of the employees as have been regularly occupied in connection with the functions thereof which are by this Charter transferred to such agency. Every employee to whom this section applies shall be placed temporarily in one of the agencies of the metropolitan government.

All questions and problems arising under this section shall be determined by the mayor; provided, nothing in his determination nor in this Charter shall impair or diminish the rights and privileges of employees of the city or of the county under civil service on the date this Charter shall be adopted.⁴

4. June 28, 1962.

Sec. 20.07. Transfer of records and equipment.

When an agency of the City of Nashville or of Davidson County is abolished or consolidated by this Charter, all books, papers, maps, charts, plans, records, other equipment and personal property in the possession of the same shall be delivered to the agency to which its rights, powers, duties and obligations are transferred. In case of controversy between two (2) or more agencies as to right, such books, papers, other documents, equipment and personal property shall be transferred to such agency as the mayor may direct.

Sec. 20.08. Certain metropolitan officers appointed.

(a) *Metropolitan Clerk.* The person holding the position of city clerk of the former City of Nashville, and having civil service status as such, is hereby appointed and designated as metropolitan clerk provided for by [section 18.01](#) of this Charter, and the certified copy of this Charter and proclamation deposited with the county clerk pursuant to Tennessee Code Annotated, section 7-2-106, delivered to said metropolitan clerk on the effective date of this Charter,⁵ to be kept by him as a part of the permanent records of his office.

5. April 1, 1963.

(b) *Metropolitan Treasurer.* The person holding the position of city treasurer of the City of Nashville on the effective date of this Charter,⁶ and having civil service status as such, is hereby appointed and designated as the first metropolitan treasurer.

6. April 1, 1963.

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- (c) *Chief Medical Director.* The person holding the office of county health officer of Davidson County on the effective date of this Charter⁷ is hereby appointed and designated as the first chief medical director of the metropolitan board of health. Any contract of employment entered into between such county health officer and the county board of health of Davidson County prior to the effective date of this Charter for a term of employment as county health officer extending beyond such effective date shall be accepted by the metropolitan board of health and shall have the effect of the employment of the chief medical director, as such, for the unexpired portion of such contract term.

7. April 1, 1963.

- (d) *Director of Department of Water and Sewerage Services.* The person holding the position of director of waterworks department of the City of Nashville on the effective date of this Charter,⁸ and having civil service status as such, is hereby appointed and designated as the first director of the department of water and sewerage service.

8. April 1, 1963.

- (e) *Public Defender.* The person elected as public defender for Davidson County at the August election 1962 is hereby appointed and designated as the first public defender for the metropolitan government.
- (f) *Director of Department of Police.* The person holding the position of chief of the police department of the City of Nashville on the effective date of this Charter,⁹ and having civil service status as such, is hereby appointed and designated as the first director of the department of metropolitan police.

9. April 1, 1963.

- (g) *Director of Department of Fire.* The person holding the position of chief of the fire department of the City of Nashville on the effective date of this Charter,¹ and having civil service status as such, is hereby appointed and designated as the first director of the department of fire.

1. April 1, 1963.

- (h) *Budget Officer, Division of Budgets.* The person holding the office of director of accounts and budgets of Davidson County on the effective date of this Charter² is hereby appointed and designated as the first budget officer of the division of budgets.

2. April 1, 1963.

- (i) *Chief Accountant, Division of Accounts.* The person holding the office of chief accountant of the City of Nashville on the effective date of this Charter,³ and having civil service status as such is hereby appointed and designated as the first chief accountant of the division of accounts.

3. April 1, 1963.

- (j) *Metropolitan Judges.* The judge of the city court and the judge of the traffic court of the former City of Nashville are hereby designated and appointed respectively as the judge of division I and as the judge of division II of the metropolitan court, to serve until their successors are elected at the regular August election in 1964 for the remainder of the judicial term.
- (k) *Clerk, Deputy Clerk and Court Officers of Metropolitan Court.* The person holding the position of clerk of the city court in the former City of Nashville on the effective date of this Charter,⁴ and having civil service status as such, is hereby appointed and designated as the first clerk of the metropolitan court. The person holding the position of clerk of the traffic court of the former City of Nashville on

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the effective date of this Charter, and having civil service status as such is hereby appointed and designated as a deputy clerk to the judge of division II of the metropolitan court.

The members of the police department of the former City of Nashville serving as court officers to the judges of the city court and traffic court of the former City of Nashville on the effective date of this Charter⁵ shall retain their positions and status as court officers of the metropolitan court, and if they cease to serve as such court officers, they shall be returned to the metropolitan police department as classified employees thereof.

4. April 1, 1963.

5. April 1, 1963.

(l) *Director of Welfare.* The person holding the position of director of welfare for Davidson County on the effective date of this Charter⁶ is hereby appointed and designated as the first director of welfare under the jurisdiction and authority of the metropolitan welfare commission created and provided for by [Article 11, chapter 11](#) of this Charter.

6. April 1, 1963.

(m) *Collections Officer.* The person holding the position of city comptroller of the City of Nashville on the effective date of this Charter⁷ and having civil service status as such, is hereby appointed and designated as the first collections officer created and provided for by [section 8.107](#) of this Charter.

(Res. No. 88-526, § 9, 10-4-88)

7. April 1, 1963.

Sec. 20.09. Director and assistant director of department of public works.

The person holding the position of director of the department of public works of the City of Nashville on the effective date of this Charter⁸ is hereby appointed and designated as the first director of said department created and provided for by [section 8.404](#) of this Charter.

The person holding the position of director of the department of public works of Davidson County on the effective date of this Charter⁹ is hereby appointed and designated as assistant director of the metropolitan department of public works. When the office of assistant director becomes vacant, the same shall terminate and not be filled, except as may be provided by ordinance.

8. April 1, 1963.

9. April 1, 1963.

Sec. 20.10. Division of public roads and director thereof.

The former county highway department of Davidson County shall continue to operate and to perform its former road functions as the public roads division of the department of public works and the engineer of said former county highway department shall be the divisional director of said public roads division. The functioning of said division and the designation of its divisional director shall continue until changed by ordinance.

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Sec. 20.11. Certain members of county highway patrol and of the park police appointed.

Members of the county highway patrol appointed as such by the sheriff of Davidson County are hereby appointed, and designated as members of the metropolitan police department under the following terms and conditions:

All salaried members of the former county highway patrol who have had not less than three (3) years' experience as members of said patrol upon the effective date of this Charter¹ shall be classified as patrolmen second class in the metropolitan police department and shall be eligible for promotional examinations for available positions in like manner as other patrolmen second class in the metropolitan police department.

All salaried members of the former county highway patrol who are not eligible for classification as patrolmen second class, but who have had not less than six (6) months' experience as members of such patrol upon the effective date of this Charter² shall be classified as patrolmen third class in the metropolitan police force. After service for one (1) year as patrolmen third class and upon certification of the director of the department of metropolitan police, with the approval of the mayor and the civil service commission, such persons shall be advanced to the position of patrolmen second class in the same manner as other patrolmen second class. Members of the county highway patrol appointed hereunder to positions with the metropolitan police department shall not be eligible for benefits under the policemen's and firemen's pension fund, but shall derive any pension and retirement benefits from the metropolitan employees' retirement fund.

All salaried members of the park police of the former City of Nashville who are members of the same upon the effective date of this Charter³ and who have civil service status as such shall become custodial personnel of the metropolitan board of parks and recreation.

1. April 1, 1963.
2. April 1, 1963.
3. April 1, 1963.

Sec. 20.12. Certain civil service employees transferred to metropolitan department of law.

All civil service employees in the department of law of the former City of Nashville or in the office of county attorney of the former County of Davidson are hereby transferred to, and continued as employees of, the metropolitan department of law.

Sec. 20.13. Appointments to administrative boards and commissions; former boards and commissions continued.

The metropolitan mayor shall appoint promptly and at least within thirty (30) days after he shall take office all members of boards and commissions whom this Charter authorizes him to appoint. Unless otherwise provided by this Charter, all boards and commissions of the former City of Nashville and of the former County of Davidson are continued for a period of sixty (60) days after the effective date of this Charter or until the board, commission or other agency succeeding to its rights, powers, duties and obligations is organized, whichever date or event occurs earlier.

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Sec. 20.14. Transitional provisions as to public schools.

- (a) *Temporary administration by city and county school boards.* From the effective date of this Charter⁴ to and including July 31, 1962, the county and city school boards shall each continue to administer, control and operate the school system previously under its jurisdiction in the same manner that such system was operated prior to the effective date of this Charter. Such operation may include assignment of teachers to schools for the school year 1962-1963, to the extent that such assignment is practicable on or before July 31, with such assignments to be made or completed thereafter by the transitional board of education to the extent that may be necessary. The powers, duties and functions of said separate school boards shall cease and terminate after July 31, 1962.
- (b) *Transitional operation by transitional board of education.* From August 1, 1962, until June 30, 1964, the administration, operation and control of the metropolitan school system shall be by and under a transitional board of education, subject to the directives and limitations hereinafter specified. For the purpose of transitional operation, a transitional board of education of nine (9) members is hereby created and constituted as follows:

Three (3) members shall be persons who were members of the Davidson County Board of Education immediately prior to the termination of said board; and said three (3) members shall be chosen by the Davidson County Board of Education prior to August 1, 1962.

Three (3) members shall be persons who were members of the board of education of the City of Nashville immediately prior to the termination of said board; and said three (3) members shall be chosen by the board of education of the City of Nashville prior to August 1, 1962.

The three (3) remaining members shall be Dr. Henry H. Hill, former president, George Peabody College for Teachers, who shall serve as chairman of the transitional board; Dr. Walter S. Davis, president, A. & I. State University, and Mr. E. C. Carman, vice-president, AVCO Corp.

Any vacancies on the transitional board of education resulting from resignation or death of a former Davidson County Board of Education member shall be filled by the two remaining such members, or upon their failure to agree, by all remaining board members.

Any vacancies on the transitional board of education resulting from resignation or death of a former member of the board of education of the City of Nashville shall be filled by the two remaining such members, or upon their failure to agree, by all remaining board members.

Any vacancies in membership resulting from the inability to serve, resignation or death of one of the three (3) members named herein shall be filled by the two remaining such members, or upon their failure to agree, by all remaining board members; provided, that if said vacancy is with respect to the membership of Dr. Walter S. Davis, his successor, as so chosen, shall be either the president or acting president of A. & I. State University or of Fisk University or of Meharry Medical School.

During the transitional period, the board shall operate the two separate school systems herein consolidated in the same manner as the two systems were operated prior to the adoption of this Charter, and with the same powers and authorities as the board of education of the City of Nashville and the Davidson County Board of Education previously acted.

During the transitional period the board shall cause a comprehensive survey to be made of the two school systems, to the end that, not later than July 1, 1964:

- (1) A complete consolidation of the physical properties thereof may be effected.
- (2) The consolidation of personnel and employees thereof may be effected.

The transitional board shall also (i) seek applications for the position of director of schools and assemble information with respect to the applicants, which applications and information shall be

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submitted to the metropolitan board of education to the end that its permanent administration may be expedited; and (ii) prepare and submit to the mayor a budget for the scholastic year 1964-1965.

Any fund to the credit of the board of education of the City of Nashville shall be transferred to the credit of the transitional board of education but shall be earmarked and used for the benefit of that portion of the public school system previously operated as city schools. Any fund to the credit of the Davidson County Board of Education shall be transferred to the credit of the transitional board, but shall be earmarked and used for the benefit of that portion of the public school system previously operated as county schools.

During the transitional period the person then holding the position of county superintendent of public instruction by election of the quarterly county court of Davidson County, Tennessee, shall continue to hold such position and to perform and discharge the same duties of that office in connection with that portion of the public school system previously operated as county schools.

During the transitional period that person holding the position of superintendent of the city school system of the City of Nashville shall continue to hold such position and discharge the duties of that office in connection with the school system previously operated as city schools.

The transitional board of education may assign teachers to schools for the school year 1964-1965 to the extent that the same is practicable on or before June 30, 1964, with such assignments, when not made or completely made, to be finished by the permanent metropolitan board of education.

(c) *Operation by permanent board of education.* At least sixty (60) days prior to July 1, 1964, the mayor shall appoint, subject to confirmation by the council as hereinabove provided in [section 9.02](#), the first members of the permanent metropolitan county board of education, which shall assume administration, control and operation of the metropolitan school system.

When the metropolitan board of education fixes the compensation of positions in the school system to be paid after the expiration of the transitional period, consideration shall be given to the varying pay scales and classifications of the former city and of the former county, and whichever pay scale is higher for particular classification shall be adopted as the original rate for such classification in the consolidated metropolitan school system.

At the expiration of the transitional period, the board shall offer professional employment to the person holding the position of county superintendent of public instruction and to the person holding the position of superintendent of schools of Nashville. Such employment shall assure a compensation at least equal to that received by the person as county or city superintendent for period of time not less than the unexpired term of office, and shall assign to the position duties and responsibilities commensurate with those attached to the abolished position.

4. June 28, 1962. See [§ 20.21](#)

Sec. 20.15. Transition as to fiscal and related matters.

(a) *Supplemental appropriations during fiscal year ending June 30, 1963.* Supplemental appropriations made by the metropolitan council to any department, board, commission, office or agency of the metropolitan government for the fiscal year ending June 30, 1963, shall be made within the budget structure of the former City of Nashville and former County of Davidson; provided, nothing in this section shall prevent the metropolitan government from borrowing money necessary to finance obligations of said government for said period which may be specifically created by this Charter.

(b) *Budget and tax levy for fiscal year ending June 30, 1963.* The budget and tax levy of the former City of Nashville shall serve as the budget and tax levy for the urban services district for the fiscal year ending June 30, 1963. The budget and tax levy of the former County of Davidson shall serve as the

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budget and tax levy for the general services district for the fiscal year ending June 30, 1963. Where functions have been transferred from the urban services district to the general services district, or vice versa, the funds appropriated for such purpose shall follow the function.

- (c) *Servicing bonded indebtedness during fiscal year ending June 30, 1963.* Debt service with respect to bonds issued by the City of Nashville shall be paid from the sinking funds of said city during the fiscal year ending June 30, 1963; and debt service with respect to bonds issued by the County of Davidson shall be paid from the sinking funds of said county during the same period, and after June 30, 1963, as set forth in [article 7, section 7.20](#)
- (d) *Transitional provisions as to tax assessments and assessors.* Effective September 1, 1962, the county tax assessor shall become the metropolitan tax assessor and shall assume the powers, authority and duties of such office as provided in this Charter.

The assessments made by said assessor as of January 10, 1963, shall be and constitute the assessments on the basis of which taxes for said year shall be collected within both the urban services district and the general services district and to which taxes levied by the council for 1963 and thereafter shall apply. Said assessor is hereby designated and constituted the metropolitan tax assessor, and for this purpose the Charter shall take effect September 1, 1962.

On or after September 1, 1962, or as soon thereafter as practicable, all personnel of the office of tax assessor of the former City of Nashville under civil service, except those positions excluded or omitted from civil service under provisions of this charter, shall be and become civil service employees in the office of the metropolitan tax assessor.

- (e) *Preparation of transitional forms and procedures.* Following the election of the metropolitan government officials, the mayor elect shall request a meeting of the city finance director, the county director of budgets and accounts, and the executive director of the city and county planning commissions for the purpose of proceeding with the preparation of forms, materials and procedures necessary to the official establishment, fiscal functioning and administrative organization of the metropolitan government. The services, facilities and staff personnel of the city finance department, the city legal department, the county department of accounts and budgets, the county attorney's office, and the planning commission of the city and county shall be made available to assist in these preparations.
- (f) *First annual operating budget.* In the preparation of the operating budget for the 1963-1964 fiscal year, the following timetable shall prevail:
 - (1) By April 15, 1963, the director of finance shall distribute the operating budget request forms for both section I and section II of the annual operating budget. Said forms to be returned on the date set by the director of finance.
 - (2) Not later than May 28, the mayor shall submit to the council the operating budget ordinances and tax levy ordinances following the form and content specified in [section 6.03](#) as closely as possible within the time available for their preparation.
 - (3) Public hearings on both the capital improvements budget and program and the annual operating budget shall be held between June 7 and 15, 1963.
 - (4) Third reading and final action shall be taken on the capital improvements budget and the 1963-1964 annual operating budget not later than June 29, 1963.
- (g) *First capital improvements program.* The City of Nashville and Davidson County Planning Commissions, following the November election of metropolitan government officials, shall proceed with gathering the data and information necessary for the preparation of the first capital

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improvements budget and program based on the allocation of functions between the general services district and the urban services district.

The mayor shall submit the capital improvements budget to the council not later than May 25, 1963.

Sec. 20.16. Transitional provisions as to civil service.

The person holding the position of director of personnel by appointment of the civil service commission of the former City of Nashville on the effective date of this Charter,⁵ and having civil service status as such, is hereby appointed and designated as the first director of personnel provided for by [section 12.04](#) of this Charter.

Until the metropolitan civil service commission provided for by [section 12.02](#) of this Charter is organized by election of a chairman, the existing city and county civil service commissions shall continue to function. The existing rules, classification plans and pay plans of the City of Nashville and the County of Davidson shall remain in effect until new rules, a new classification plan and a new pay plan shall have been adopted by the metropolitan civil service commission.

Prior to July 1, 1964, the civil service commission provided for by [section 12.02](#) of this Charter shall be, and shall function as, the civil service commission with respect to nonprofessional personnel employed by the board of health and board of hospitals and nonteaching employees of the board of education.

5. April 1, 1963.

Sec. 20.17. Transitional provisions as to employee benefits.

The person holding the position of director of personnel by appointment of the civil service commission of the former County of Davidson on the effective date of this Charter⁶ is hereby appointed and designated as the first secretary of the metropolitan employee benefit board.

Within thirty (30) days from the effective date of this Charter, the director of personnel, with the approval of either the former civil service commissions of the City of Nashville and the County of Davidson or the metropolitan civil service commission, shall announce a plan for the conduct of an election as provided in [section 13.03](#) to select the employee members of the employee benefit board. Said election shall be held within thirty (30) days from such announcement.

Until the employee benefit board is organized by the election of a chairman, the civil service commission of the former City of Nashville shall continue to administer the policemen's and firemen's pension fund and the civil service employees' pension fund; and the pension commission of the former County of Davidson shall continue to administer the employees' pension and insurance fund, for which purposes both commissions shall continue to function under their respective rules and regulations and exercise all powers formerly vested in them.

The metropolitan government shall have no obligation (except as created by ordinance or resolution of the metropolitan council) for pension or retirement benefits of a person not under civil service in the county or city government on March 31, 1962, (except library employees) and brought under civil service by resolution or ordinance of the county or city governing body subsequent to said date. This provision shall not impair the pension and retirement benefits of any person employed by the county or city on said date and then under civil service or of any person who was in process of coming under civil service on said date by then serving a probationary period.

Where compensation for a metropolitan office is fixed by this Charter, a person holding specified office in the city or county government is appointed thereto by this Charter, and the compensation herein

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fixed is an increase over the compensation which such county or city officer was entitled to receive as of March 31, 1962, then the obligation of the metropolitan government for retirement benefits to such person shall be based upon the compensation paid him by the county or city as of March 31, 1962, until such person shall have served as a metropolitan officer for five (5) years or more. After said five (5) years, such benefits shall be based upon compensation paid by the metropolitan government.

6. April 1, 1963.

Sec. 20.18. Transition as to quarterly county court.

The quarterly county court, composed of justices of the peace from civil districts and municipal corporations as prescribed by [section 16.04](#), shall be elected at the next regular August election for justices of the peace, to take office on September 1 following their election. The members of the quarterly county court as constituted prior to this Charter shall continue to serve until the expiration of their terms of office, but after the effective date of this Charter the functions, powers and duties of the quarterly county court shall be as provided by [section 16.04](#) hereof.

Sec. 20.19. Compensation and pension rights of city mayor and city councilmen preserved.

The mayor and members of the city council of the City of Nashville, whose terms of office are abridged by this Charter to the extent of approximately two (2) months, shall be entitled to receive salaries from the metropolitan government and to be eligible to receive pensions therefrom to the same extent as if they had served for the full term to which elected; provided, that if any of said city officers shall be elected to office at the first election for metropolitan officers, they shall not receive both the salary herein provided and the salary of the metropolitan office to which elected.

Sec. 20.20. Special metropolitan election and term of office of persons then elected.

There shall be a special metropolitan election on the first Tuesday after the first Monday in November, 1962, for the purpose of electing the first mayor, the first vice-mayor and forty (40) members of the first metropolitan council, including five (5) councilmen-at-large and thirty-five (35) district councilmen. Said special election and a run-off election thereafter to be held twenty-one (21) days later, if necessary, shall be held under the provisions of [article 15](#) of this Charter with respect to metropolitan elections. The metropolitan officers elected at said special election shall take office on the first Monday of April, 1963, and shall serve until the first day of September, 1966, or until their successors are elected and qualified.

The metropolitan officers elected at the general metropolitan election to be held on the fourth Thursday of April, 1966, shall serve until the first day of September, 1971, or until their successors are elected and qualified.

For the purpose of determining the eligibility for a pension of the mayor or mayors elected hereunder in the first and second metropolitan general elections, and for the purpose of [section 5.06](#) of this Charter, the term of the first metropolitan mayor elected and the term of the second metropolitan mayor elected shall be deemed to be terms of four (4) years each.

(Amended by Res. No. 65-670, § 1, 7-6-65)

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Sec. 20.21. Effective date of Charter.

This Charter shall become effective immediately upon its adoption for purposes of [section 18.15](#), [section 20.02](#), [section 20.14](#) and [section 20.15](#) hereof. This Charter shall become effective for all other purposes on the first Monday in April, 1963, which date is hereby defined and designated as "the effective date of this Charter" within the meaning of such quoted phrase as used in this Charter.

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ARTICLE 21. INTENT OF CHARTER AND SEPARABILITY OF PROVISIONS

ARTICLE 21. INTENT OF CHARTER AND SEPARABILITY OF PROVISIONS

[Sec. 21.01. Generally.](#)

Sec. 21.01. Generally.

The people residing within the area of the metropolitan government declare and determine that by the adoption of this Charter it is their intent to exercise to the full extent possible the constitutional power granted by Amendment No. 8 to article XI, section 9 of the Constitution of Tennessee approved at an election on November 3, 1953, as implemented by Tennessee Code Annotated, section 7-1-101 et seq., and in so doing to consolidate all or substantially all of the governmental and corporate functions of the County of Davidson and of the City of Nashville, so that, in the interest of modern, efficient and economical government, the same may be operated as one (1) governmental entity. The people further declare that to achieve this remedial objective and to aid in the solution of the public problems of a metropolitan area, it is their purpose and intent in its adoption that this Charter shall continue in full force and effect even if any of its separable provisions or parts not essential to this remedial objective shall be held unconstitutional or void.

(Res. No. 88-520, § 40, 10-4-88)