

ARTICLE ____ - THE LEGISLATIVE COUNCIL

Sec. _____. The Legislative Council

The legislative authority of the Clarksville–Montgomery County Metropolitan Government except as otherwise specifically provided in this Charter shall be vested in the Legislative Council, hereinafter called “The Council”, which shall have a total membership of twenty five (25). Twenty-one (21) district Councilmen, and four (4) Councilmen at large. The entire electorate of Clarksville - Montgomery County Metropolitan Government shall elect the four (4) at large Councilmen, and each of the twenty-one (21) councilmanic districts shall elect one (1) district Councilman.

Sec. _____. Terms. Age and Residence Requirements

Members of the Council shall serve for terms of four years and until their successors are elected and qualified. Council members are limited to three consecutive terms (12 years) on the council in either a district and/or “at large” council position, not including parts of terms that could result from election for less than a full term.

No person shall be eligible to serve as a district Councilman or at large Councilman unless he shall have attained legal voting age, as required by the statutes of the State of Tennessee and unless he shall have been a resident of the Councilmanic District for which he is elected, for a period of not less than one year prior to the date he shall file for qualification as a candidate for district Councilman. No person shall be eligible to serve as at large Councilman unless he shall have attained legal voting age as required by the statutes of the State of Tennessee and unless he shall have been a resident of Montgomery County for a period of not less than one year prior to the date he shall file for qualification as a candidate for at large Councilman. Any district Councilman who shall change his place of residence from his Councilmanic district shall thereby vacate his office. Any “at large” Councilman who shall change his place of residence from Montgomery County shall thereby vacate his office.

Members of the Council shall hold no other elective, or appointive, office in the Consolidated Government. Employees of Clarksville-Montgomery County Metropolitan Government shall not be eligible to serve as a member of the Council by reason of being a metropolitan government employee.

Sec. _____. Quorum. Rule of Procedure

Not less than a majority of all the members comprising the membership of the Council shall constitute a quorum for the transaction of business.

A majority for the purpose of a quorum or for a majority vote, is a majority of the active membership as opposed to a majority of the authorized membership. The authorized membership is twenty-five (25) members as authorized by the Charter. The active membership would be the authorized membership, less any vacancies for the purpose of a quorum. For

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voting purposes, the active membership would be the authorized membership less any vacancies and members who cannot vote for reason of a conflict of interest.

By resolution or ordinance, the Council may determine its rules of procedure and structure which, together with any amendments thereof, shall be promptly filed with the Consolidated Government Clerk.

Sec. _____. Presiding Officer, Mayor as Ex-Officio Member and Mayor Pro Tempore

The Council shall be presided over by the Mayor during his term of office. The Mayor shall not be entitled to vote.

In addition to presiding at all Council meetings, the Mayor shall be an ex officio member of all Council committees. The Mayor shall be a non-voting member of such committees.

The Mayor shall submit to the Council a name of one of its members to serve as Mayor Pro Tempore in the absence of the Mayor and the Council shall elect the Mayor Pro Tempore by appropriate vote at the first Council meeting of each term. Such Mayor Pro Tempore shall serve without additional compensation except that he shall be entitled to receive the compensation of Mayor with required to do so due to the death or disability of the Mayor, or a vacancy in the office of the Mayor as set out in Article____, Section ____ of this Charter. In the event both the Mayor and the Mayor Pro Tempore are absent, then the Council shall elect one of its members in attendance to serve as Mayor Pro Tempore, and such service shall be without additional compensations

Sec. _____. Meetings

The Council shall hold at least one regular monthly meeting. Special meetings of the Council may be held when called by the Mayor, and shall be called whenever, in his or her judgment, the public welfare requires it, or whenever requested in writing by a majority of the members of the Council. At least forty-eight hours written notice shall be given to the Council members 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 and its committees shall be open to the public, except closed meetings of the Council and its committees with its attorney are allowed for the discussion of pending litigation in which the public body is a named party or to discuss issues which might result in litigation. All meetings shall be held in a Metropolitan Government building, unless by reasons of casualty, emergency or good cause, a different meeting place shall be selected, with public announcement thereof when the meeting is open to the public.

Sec. _____. Legislative Authority Exercised by Ordinance or Resolution

The legislative authority of the Council shall be exercised only by ordinance or resolution, and the same shall be passed by the majority of the active membership of the Council, except as may be otherwise provided by the Charter, or by applicable law

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Ordinances shall become effective only after being voted on in two Council meetings, and after being signed by the Mayor or upon the event of having become law under the provisions of Article_____, Sec _____ of this Charter, unless the effective date of such ordinance is otherwise set out within the body of the ordinance.

The Council may upon a two-thirds vote of the active membership of the Council, suspend the rules and proceed with the second reading and vote thereon, except in matters pertaining to appropriations, taxation and land use regulation as provided for in the zoning ordinance, or as may be limited in other provisions of this Charter.

When Council confirmation of the various appointments by the Mayor is required by any provision of this Charter, the same may be done by resolution.

All resolutions shall become effective when adopted and signed by the mayor unless otherwise stated in the body of the resolution to take effect at a later date.

All ordinances shall begin “Be it ordained by the Legislative Council of the Clarksville-Montgomery County Metropolitan Government.”

Sec. _____. General Authority and Power of Legislative Council.

The Council is authorized to legislate and establish policy with respect to the powers of the Consolidated Government granted by Article _____ hereof, except as otherwise provided in this Charter. It may also, by ordinance, provide for the creation, termination, organization, conduct and operation of all departments, boards, commissions, offices and agencies of the Clarksville Montgomery County Metropolitan Government, when the same has not been provided for by this Charter, and is consistent with the provisions hereof.

The Council shall have no administrative power of departments, boards, commissions, offices and agencies of the Clarksville-Montgomery County Metropolitan Government.

In addition to all of the foregoing and in aid of its legislative function, the Council is authorized by resolution passed by a three-fourths majority of its active membership, to conduct investigations by the whole Council or any of its committees. It shall also have authority to employ and compensate personnel necessary for such purposes and to make appropriations therefore.

The Council may establish regulations by ordinance to govern the procedures of the Department of Finance that are not specified in this Charter.

Sec. _____. Power of Legislative Council to Consolidate, Divide, Eliminate, alter, Reform or Reorganize Departments, Boards, Agencies and Commissions of the Consolidated Government

Notwithstanding any other provision of this Charter, the Council shall have the power to consolidate, divide, eliminate, alter, reform or reorganize completely any and all of the various

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departments, boards, agencies, and commissions of the Clarksville-Montgomery County Metropolitan Government, and all offices and divisions thereof, including their respective powers and functions, by appropriate ordinance passed by a two-thirds affirmative vote of the authorized membership of the Council, passed at each of two regular meetings of the Council, both occurring within ninety days.

This section shall not apply to the Office of the Mayor, the Council, the Schools System and its Board, not shall it apply to the Department of Electricity and its Board, the Gas, Water and Sanitary Sewer System and its Board, or elected positions.

Sec. _____. Redistricting of Councilmanic and School Districts

Redistricting of the Councilmanic Districts may be accomplished in the following manner:

Within six months after the decennial census of 2020, and each one thereafter, or when any special census is published by the United States Census Bureau showing the population in the area of the Clarksville-Montgomery County 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 under-representation or over-representation of a particular area of the Metropolitan Government as the result of population changes.

If the Metropolitan 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, redistricting shall be accomplished and district Councilmen shall be elected accordingly at the next general Metropolitan Government election.

The Council may reject the redistricting ordinance proposed by the Metropolitan Planning Commission. The Council may approve an ordinance providing for an alternative redistricting plan. Upon the approval of the Mayor, or inaction by the Mayor for ten days after receiving delivery, of an ordinance providing an alternative redistricting plan, the Election Commission shall hold a special election on the question of whether to approve the redistricting ordinance proposed by the Planning Commission or the redistricting ordinance approved by the Legislative Council. Whichever redistricting ordinance is approved by the qualified voters shall become effective as specified in the ordinance approved by the qualified voters. If the Council does not approve an alternative redistricting ordinance within ninety (90) days of the vote of rejection of the redistricting ordinance proposed by the Planning Commission, then the redistricting ordinance proposed by the Metropolitan Planning Commission shall become effective according to its terms.

Sec. _____. Zoning

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The zoning ordinance shall be enacted by the Council and shall be based upon a comprehensive plan prepared by the Metropolitan Planning Commission in accordance with the applicable provisions of this Charter and general State laws.

Any revision, modification or change in the zoning ordinance and map of the Clarksville-Montgomery County Metropolitan Government shall be made only by ordinance. Where a proposed ordinance revises, modifies, or changes the zoning ordinance and is not accompanied at introduction by a favorable recommendation of the Metropolitan Planning Commission, a copy thereof shall be promptly furnished by the Clarksville-Montgomery County Metropolitan Government 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 proposed has been received, or thirty days have elapsed without such recommendation.

No ordinance making any revision, modification, or change in the zoning ordinance or map 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.

Sec. _____. 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 the Council.

ARTICLE ____ - THE URBAN COUNCIL

Sec. _____. Selection. Term

The Urban Services District shall be and constitute a municipal corporation, and there is hereby created the Urban Council which will be composed of the three Council members living in the Urban Services District who receive the highest number of votes in the previous election. In the event of a vacancy, the Council member living in the Urban Services District receiving the next highest number of votes in the previous election shall fill each vacancy. The terms of members of the Urban Council shall be co-extensive with the terms of the members of the Council, and they shall serve without any additional compensation.

Sec. _____. Function. Meetings

The sole function of the Urban Council 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 Council. The Urban Council shall meet immediately following any meeting of the 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 of the Urban Council shall be kept by the Clarksville - Montgomery County Metropolitan Government Clerk.