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Metropolitan Government - Tennessee

Government for Metropolis

A Nashville - Davidson County Proposal

By Daniel R. Grant, Assistant Director
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Commission

With the filing on March 28 of a proposed metropolitan government charter, Nashville and Davidson County have moved one step closer toward creating a new species of local government, one that is distinctly metropolitan in its design. The metropolitan charter, to be voted on June 17, would abolish the City of Nashville and Davidson County and consolidate their functions in a single "Metropolitan Government of Nashville and Davidson County."

The single metropolitan government would have a "metropolitan mayor" who would take the place of the present city and county executives, and a "metropolitan council" which would assume the functions of the city and county governing bodies. The charter designates certain governmental functions, such as health, hospitals, and courts, as general services for which both urban and rural residents would pay taxes. Other functions, such as sewers, fire protection, and street lighting, are designated as urban services for which only urban residents would pay taxes. Separate majorities inside and outside the City of Nashville are required for adoption of the charter. If the vote is favorable, officers of the new government would be elected on November

A Major Problem

The reorganization of local government in metropolitan areas is the major problem in American local government. One mode of such reorganization is city-county consolidation. Amendment Eight to the Tennessee Constitution has given renewed impetus to this movement. In the 1957 session of the legislature, an act was passed to permit city-county consolidation in the four big counties of Tennessee. Nashville and Davidson County created a charter commission and is the first of the four big areas to bring in a completed charter.

Dr. Daniel R. Grant of Vanderbilt University has been closely identified with metropolitan studies. He served as Assistant Director of the Nashville-Davidson County Community Services Commission and as Associate Director of the Home Rule Commission of Harris County (Houston, Texas). He has been a consultant of the Tennessee city-county consolidation plans.

The Bureau of Public Administration of The University of Tennessee, which sponsors this news letter, is heavily concerned with the metropolitan problem. One of its staff is currently serving the Knox County-Knoxville Metropolitan Charter Commission, which is working on a draft of a charter for city-county consolidation. Other staff members are presently preparing studies on Knox County metropolitan problems. We think Dr. Grant's report on the Nashville-Davidson charter, as published here, will add significantly to public knowledge of this important issue.

LEE S. GREENE, Director
The Bureau of Public Administration

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Metropolitan Government-
Tennessee

4, 1958, and would take office on January 1, 1959.

This proposal has arisen from a fact that has become more and more obvious—metropolitan Nashville has outgrown both its city and county governments. This simple fact has been at the root of a complex variety of metropolitan problems which have become the subject of several studies and proposals in recent years. Metropolitan Nashville has outgrown the city government geographically, and has outgrown the rural-type county government in its ability to serve an expanding urban community. More than one-half of metropolitan Nashville's population, estimated to be 368,000, live outside the legal boundaries of the city. Thirty years without appreciable annexation by Nashville have resulted in the growth of a large doughnut-shaped "city" of more than 130 square miles surrounding the legal city of about 23 square miles.

Growth Creates Many Problems

The effects of this governmental situation may be summarized as follows: (1) This suburban "city" which is even larger than the central city is provided with none of the customary urban services or else is getting by with an unsatisfactory makeshift arrangement for partial service. The absence of a sanitary sewer system in an area where the soil is poorly suited for septic tank operation is probably the most serious suburban deficiency, but there is also inadequate police and fire protection, street lighting, public recreation, and street standards. (2) The existing city, county and special district governments lack either the jurisdiction or adequate power and governmental machinery to cope with essentially area-wide problems on a unified basis. (3) Separate city and county governments not only result in wasteful duplications, but also tend to stimulate unfortunate pulling and hauling, and division of community leadership at times when unity of action is urgently needed. (4) With the effectiveness of democracy depending upon fixing responsibility clearly, perhaps the most serious result of fragmented metropolitan government is the dispersion and dissipation of citizens' control of their government. Not only does it become difficult to determine which governments or officials are due the credit or blame for com-

munity policies, programs, successes, or failures, but a great number of Nashville's civic leaders do not vote in Nashville at all, nor can they hold elective office or serve on many of its boards and commissions.

By comparison with other metropolitan areas in the United States, the Nashville area still has a relatively small number of separate units of government. In addition to Nashville and Davidson County, eight "half-governments" are now in existence—four small satellite cities and four suburban utility districts. The four suburban cities, Belle Meade, Berry Hill, Oak Hill, and Forrest Hills, while totaling less than 15,000 in their combined population, are fairly large in terms of geographic area and occupy a considerable portion of the area south of Nashville's boundaries. They exist principally for zoning purposes, but perform a limited number of services. The utility districts provide water supply and, in some cases, a few other services to parts of the suburban area.

Proposal Culminates Years of Activity

The proposed metropolitan government charter is the culmination of several years of activity involving legislative, administrative, and civic action, and three professional studies. The study on which the metropolitan charter is most closely patterned is the one made by the Nashville and Davidson County Planning Commissions which resulted in the published report in October, 1956, *Plan of Metropolitan Government*. The first metropolitan survey to be made in Nashville was that of the Community Services Commission, whose report, *A Future for Nashville*, was published in June, 1952. Dr. Lee S. Greene of The University of Tennessee served as Executive Director of this study. The recommendations were for large-scale annexation and the transfer of four functions—health, hospitals, schools and welfare—to a county-wide basis. Although no annexation took place, the functions of health and welfare were transferred to Davidson County and a greater awareness of the metropolitan community and its problems was undoubtedly stimulated. This group considered that city-county consolidation faced too many constitutional obstacles.

Two legal developments which took place after the 1952 report of the Community Services Commission had an important effect upon the preparation of a new proposal by the planning commissions in their 1956 report. One was the constitutional elimination of annexation by the local bill method, a method which had been proposed for use by the 1952 report. In spite of the passage by the 1955 State Legislature of a liberal general annexation law permitting annexation by city council ordinance alone, it seemed

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apparent that Nashville would not annex the large backlog of unserved residential area without a referendum. A thorough annexation study of a large area south of Nashville, made in 1954 by the University of Tennessee Municipal Technical Advisory Service and the Bureau of Public Administration, further highlighted the metropolitan problem but no action was taken. The other

important legal development was the passage of a constitutional amendment authorizing state legislative provision for city-county consolidation. Although the amendment was not all that might be desired by advocates of the most complete consolidation, it was felt by the planning commissions' staff that it opened the door to a reasonably effective consolidation.

Report of 1956 Recommends 'Plan of Action'

The report of the Nashville and Davidson County Planning Commissions in 1956 was based upon an eighteen months' study of governmental structure by the Advance Planning and Research Division, directed by Irving Hand. This division has a single staff employed jointly by the two commissions, and this writer was employed as consultant to work with the staff. Although the report was substantially complete as early as March, 1956, there followed a period of painstaking consideration and revision, culminating in its unanimous approval in October by the planning commissions, including both the mayor and the county judge. The report states the following objectives of the "Plan of Metropolitan Government":

1. To extend urban services rapidly and economically to the entire metropolitan area, with receipt of new services and payment of new taxes being in reasonable time relationship with each other.
2. To provide a simplified governmental structure and form representing our whole metropolitan community, which will enable our public officials and citizens to fulfill their responsibilities more clearly and effectively.
3. To provide for a government with jurisdiction to prepare the way for areas of future urban growth, not merely to remedy the mistakes of past urban development.
4. To insure equitable and sound financing of all governmental services, with area-wide services being financed on an area-wide basis, and urban services being financed on an urban basis.

Enabling Act Passed

The first step in the "plan of action" recommended by the 1956 report was the passage of general enabling legislation by the state legislature early in 1957. Such an act was passed in March, 1957 (Chapter 120, Public Acts of 1957), authorizing the creation of a "Metropolitan Government Charter Commission" for Nashville and Davidson County, and permitting other metropolitan areas with a population of 200,000 or more to do likewise. It was made a general act rather

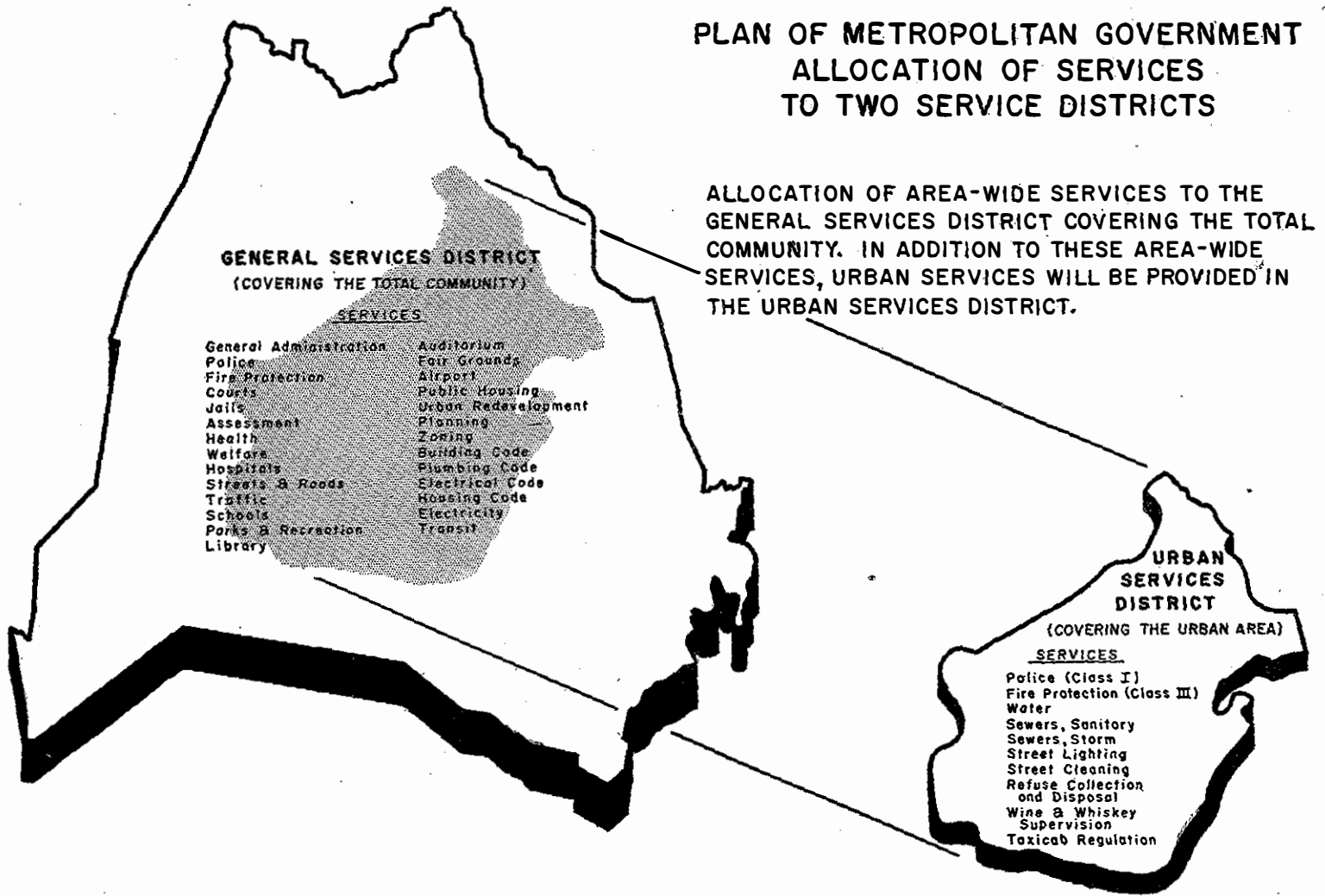
than a private act for two reasons: (a) to avoid the restrictions of the "anti-ripper bill" amendment to the Tennessee Constitution which apply to private acts and work a serious hardship on any reorganization measure which affects existing offices, and (b) to permit the modification of other state general laws, affecting cities and counties in Tennessee, to adjust their provisions to the needs of a single metropolitan government. The latter reason included such changes as authorizing a metropolitan board of education to choose its director of schools, rather than popular election or county court election, and the adjustment of regulations concerning state aid to cities and counties so that the metropolitan government would receive aid on the same basis as before.

Metropolitan Charter Commission

The Nashville City Council and the Davidson County Quarterly Court created a 10-member Metropolitan Government Charter Commission, pursuant to enabling act provisions, in April, 1957. Five members were appointed by the mayor and confirmed by the city council, and five members were appointed by the county judge and confirmed by the county court. Two of the members were Negroes, two others were considered to represent organized labor, one was an elementary school principal, one was considered to represent the farmers of the county, one was a woman, and three others might be said to represent business interests. Five of the members were lawyers, including a city councilman and a state senator. Mr. Carmack Cochran, president of the Nashville Transit Company and former state senator, was elected chairman of the charter commission.

As required by the enabling act, the county court appropriated \$25,000 for the expenses of the commission. Members of the commission received no compensation. Mr. E. C. Yokley, local attorney, was employed as executive secretary, and, during the final three months of the commission's work, Mr. Edwin F. Hunt was employed as legal consultant and editor. When it became apparent that the work on the charter would not

PLAN OF METROPOLITAN GOVERNMENT ALLOCATION OF SERVICES TO TWO SERVICE DISTRICTS



This is the original "Allocation of Services" chart, since revised slightly, that was proposed in the 1956 report.

quite be complete by February 1, as originally required, the commission requested and was granted a 60-day extension of the deadline. Before the charter was officially filed, public hearings were held on a preliminary draft of the charter and several changes were made on the basis of

suggestions received. The meetings and man-hours of labor required from the members of the commission were unusually demanding, particularly during the last few months before the charter was filed, with six-hour sessions becoming almost the rule rather than the exception.

Proposed Metropolitan Government Examined

One Government Would Embrace Two Service Districts

Probably the unique feature of this metropolitan government proposed for Nashville and Davidson County is the expandable urban services district, designed to permit a single government to possess jurisdiction over the whole metropolitan community and its areas of potential growth, while at the same time working at the job of systematically extending urban-type services to the suburbs which have already developed. The charter provides for a general services district (the whole county area including all presently incorporated cities) in which the residents would receive and pay taxes for certain designated area-wide services. It also provides for an urban services district, coinciding at first with the present boundaries of the City of Nashville, in which the residents would receive and pay taxes for certain designated urban-type services.

The charter specifies that the functions to be performed and financed on an area-wide basis (general services) shall include: general administration, police, courts, jails, assessment, health, welfare, hospitals, streets and roads, traffic, schools, parks and recreation, library, auditorium, fair grounds, airport, public housing, urban redevelopment and renewal, planning, electricity, transit, refuse disposal, beer supervision, taxicab regulation, and the electrical, building, plumbing, and housing codes. It specifies that the functions to be performed and financed only in 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.

The area of the urban services district may be expanded by the metropolitan council without a vote of the residents annexed, subject to the same procedures provided in Tennessee's general law on annexation. The enabling act limits such annexations to those areas which can be served "within a reasonable period," and the charter commission defined a reasonable period as not greater than "one year after ad valorem taxes in the annexed area become due." Normal calendar

delays in placing annexed property on the tax rolls make this period for extending services from two to three years in duration. Another charter provision requires that such annexations to the urban services district be based upon a program set forth in a long-range capital improvements budget. These and other provisions have been included in the charter in an effort to allay suburban fears of urban taxes without urban services.

Metropolitan Council Provided

A twenty-one member metropolitan council would assume the legislative functions of the present city council and county quarterly court. Six members would be elected at large and one would be elected from each of 15 districts. They would have a four-year term and would be paid \$200 per month. Part of the districts would extend across the present boundaries of the City of Nashville, and others would be located wholly within or without the boundaries of Nashville. The present city council has 22 members and the county court has 53 members.

"Automatic" redistricting of the metropolitan council is required by special charter provision beginning after the 1970 census and each decennial census thereafter. The metropolitan planning commission is required to recommend a plan for redistricting if it is considered necessary to prevent substantial under-representation of particular areas. If the council rejects the plan, it must be submitted to a vote of the people, and the council may submit its own alternative proposal if desired. If the council fails to act within 90 days, council members shall not receive any further salaries until they have complied with this charter provision.

Voters Would Elect Metropolitan Mayor

A metropolitan mayor would be elected by the voters for a four-year term and would be given generally those powers possessed by a responsible city mayor. The chief exception to this is the provision limiting the mayor to two successive terms in office. This was added in anticipation of the argument that too much power

would be centralized in one government and in one man as a result of city-county consolidation. The mayor's salary would be \$20,000 per year. He would appoint the major department directors, with certain exceptions, and they would serve at his pleasure. Members of most of the boards and commissions would be appointed by the mayor for fixed terms, subject to council confirmation. He would have veto power over ordinances, including the power to eliminate or reduce appropriation items. The metropolitan council could override such vetoes with a vote of two-thirds of its membership.

Courts Would Be Metropolitan

The charter creates a metropolitan court consisting of two divisions, one dealing with traffic cases and the other with general criminal cases. These divisions correspond to the existing city courts, and the incumbent judges are designated as the first judges of the two divisions of the metropolitan court. The Davidson County General Sessions Court and Juvenile Court are incorporated in the metropolitan government without appreciable change. The metropolitan council is authorized to create the office of public defender to represent those persons who are determined by the court or the public defender to be without means to employ counsel.

Metropolitan Departments Proposed

City and county fiscal functions are consolidated into a fairly well-integrated department of metropolitan finance, although its lines of responsibility are obscured somewhat by the presence of three elective fiscal officers—the assessor, trustee, and county court clerk. The department is headed by a director of finance who is appointed by the mayor, subject to council confirmation, and who would serve at the pleasure of the mayor. His salary is set at \$15,000 per year. The department consists of divisions of budgets, accounts, treasury, purchases, tax assessment, and collections. A division of real property administration may be created subsequently by ordinance. The county trustee would serve as metropolitan tax collector but not as metropolitan treasurer. The county court clerk would continue to perform those fiscal functions for the state which he now performs, such as administration of the various state occupational and privilege licenses. The elective tax assessor was retained for a variety of reasons, including some fear of the legality of an appointive assessor in a state where all of the remaining 94 counties elected their assessor. The employees in the finance department, including those under elective officers, would be under civil service.

The department of metropolitan police is given law enforcement responsibility for the

entire city and county area, including the authority presently exercised by the county sheriff and constables. The metropolitan chief of police, appointed by the mayor subject to civil service regulations, would be head of the department. The elective county sheriff would no longer be the conservator of the peace, nor would he have authority to appoint special, private or emergency police, but he would have custody of the metropolitan jail and workhouse and would continue to serve court processes. The organizational status of the department of fire is similar to that of the police department, and the fire chief is also appointed by the mayor, subject to civil service regulations.

The principal consolidation involved in the charter's provision for the department of public works is that of the county highway commission and the city streets division. A transitional arrangement provides for continued existence of the county highway department as a division of the department of public works, with the county highway engineer serving as director of that division. This is to continue until consolidation is provided by ordinance of the metropolitan council. The county highway commission would be abolished.

A department of water and sewerage service would place these two services under a single director, appointed by the mayor subject to civil service regulations. This is aimed at improved coordination of both construction and operational work of these two programs, and at facilitation of a possible change to service-charge financing of sewerage, paid with the water bill.

New Education Board Planned

The charter provides for a nine-member metropolitan board of education to replace the existing city and county boards after a two-year transitional period. During the period of transition the board of education is to be composed of the total membership of the present city and county boards, and the two systems shall continue to operate separately. The transitional board is required to have a comprehensive survey made of the two school systems to accomplish complete consolidation after July 1, 1961. The post-transitional board would be appointed by the mayor, subject to council confirmation, and would have the authority to employ a chief administrator to be known as the metropolitan director of schools on a contract basis for terms not to exceed five years.

Public health is already consolidated on a county-wide basis in Nashville and Davidson County, but further consolidation with hospitals is provided by the metropolitan charter. A nine-member board of health and hospitals would be

given jurisdiction over the health department, Nashville's general hospital, the county hospital, and the tuberculosis hospital. The board members would be appointed by the mayor with council confirmation, but must include two physicians, a psychiatrist, a dentist, an attorney, a sanitary engineer, and a member of the Metropolitan Parent-Teachers Association. The board would appoint a chief medical director of health and hospitals for terms of not more than five years each. The board would constitute the civil service commission for its employees.

Other boards include a five-member farmers' market board, a seven-member park and recreation board, five-member board of equalization, five-member traffic and parking board, a seven-member welfare commission, ten-member planning commission, and a continuation of the Nashville Electric Service and the Nashville Transit Authority.

Effort Made to Meet Particular Problems

1. **Civil Service and Pension Problems.** The enabling act guarantees preservation of civil service and pension benefits for all existing employees, but the charter commission provided for a new actuarially sound pension fund and a new civil service system for new metropolitan employees hired after the charter goes into effect. This was done to avoid perpetuation and expansion of the city's pension fund, which has been operated on an actuarially unsound basis for several years. The charter further provides for separate administration of pension and retirement matters from other civil service functions. The civil service commission would be appointed by the mayor, subject to council confirmation, and would consist of an attorney, a representative of business or industry, a representative of labor, and two members chosen without respect to occupation. The pension board would consist of the director of finance, the director of personnel, one appointed by the mayor, and two elected by the employees. In the case of school employees, separate pension funds would be retained for the existing city and county personnel, and a third pension system would be set up for new employees.

2. **Reallocation of Bonded Indebtedness.** With the City of Nashville presently pushing toward its debt limit, the charge is occasionally heard that the city wants to annex or consolidate in order to unload its debt on the suburbs. In actuality, both the suburbs and central city will unload part of their bonded indebtedness on the other and the amounts are almost equal. The charter specifies that there shall be separate sinking funds for the urban services and general services districts, and that the bonds amortized from these sinking funds be divided according to their urban or general (area-wide) character. The same decision would be made in the case of all future bond issues, with certain ones (such as for sewers) being financed by urban services district taxpayers, and with others (such as for schools) being financed by general services district taxpayers. The principal suburban indebted-

ness which the present city taxpayers would assume is the district school debt, now an obligation only of the area outside the City of Nashville.

3. **Constitutional and County Officers.** Certain remnants of county structure were not abolished in the charter for a mixture of constitutional and strategic reasons. The 53-member county court would be reduced to 14 members, and would perform only the constitutionally mandatory functions of electing the ranger and coroner, and the statutory function of electing notaries public. The county judge would continue to serve as probate judge and would preside over the residual county court. The retention of the sheriff, assessor, trustee, and county court clerk was described above. County sheriff's patrolmen would be absorbed in the metropolitan police department.

4. **The Uniform Tax Requirement.** Although it is possible that two different tax levies by the metropolitan council would be held not to violate the uniform tax requirement of the Tennessee Constitution, a precautionary measure was included in the enabling act to meet this difficulty. As directed by the act, the charter provides for a three-member urban council whose sole function is a non-discretionary power to levy the urban services district tax sufficient to meet the budget needs as stated by the metropolitan council. Three members of the metropolitan council would constitute the urban council.

5. **Provision for Suburban Cities.** As specified in the enabling act, existing incorporated cities would not be abolished except as they vote to become a part of the urban services district of the metropolitan government. They would become a part of the general services district, however, if the charter is adopted, but would continue to function as a city. The metropolitan council would have all the powers with respect to such cities as the quarterly county court formerly possessed. New municipal incorporations in the area of the metropolitan government would be prohibited, as would any annexation of additional territory by the existing suburban cities.

6. Procedure for Zone Changes. Suburban distrust of city "spot zoning" tendencies was undoubtedly considered by the charter commission when it provided for additional hurdles in the path of any spot zoning action. Zoning regulations could be enacted by the metropolitan council only on the basis of a comprehensive plan prepared by the planning commission. Zone changes not recommended by the planning commission could not be passed without a vote of two-thirds of the whole membership of the metropolitan council. If the mayor should veto such a zone change it would require a three-fourths majority of the council members to override the veto.

7. Charter Amendments. Two methods of amendment of the metropolitan government charter are made available. The metropolitan council may submit an amendment for popular vote provided it is approved by two-thirds of the council's total membership. An amendment may be brought to a vote of the people by petition of 20 per cent of the qualified voters of the metropolitan government. No more than two amendments may be submitted by the council during its four-year term of office, and they may not be submitted by petition more often than once in each two years. The metropolitan council is authorized to create a charter revision commission to recommend to the council possible amendments.

Proposed Charter Both Tested and Unique

The proposed metropolitan government charter for Nashville and Davidson County follows closely the *Plan of Metropolitan Government* proposed by the planning commissions in 1956, and the enabling act which grew out of that report. A large number of the basic features of the plan were made mandatory by the enabling act, but the most painstaking and time-consuming task of the charter commission was trying to hammer out agreement among interested parties on the details for unifying city and county functions. The city and county are accustomed to operating under detailed charters and a host of private acts of the state legislature. The metropolitan charter commission chose to iron out most of these differences in advance of the referendum, rather than to leave them for the metropolitan council to decide. This resulted in a rather long and detailed charter, but the commission felt that this was required by past practice as well as by political strategy. It was undoubtedly also a matter of strategy which led the commission to exclude from serious consideration many reform measures, such as the manager plan, more complete merit system coverage, and more drastic reduction in the number of boards and commissions. It was thought that such reforms would make it more difficult to keep public attention focused on the one issue of consolidation.

invention in metropolitan government because most of its features have been tested, at least in part, in other metropolitan areas. Yet in another sense this particular proposal consists of a unique combination of elements tailor-made for this community so that there is none like it anywhere. Several consolidated or separated city-counties are in existence in the United States, but none has the form proposed for Nashville and Davidson County. Probably its unique feature is the ability of a single metropolitan government to control both the areas of past and future urban growth. Most of the existing consolidated or separated city-counties, such as Baltimore, St. Louis, and San Francisco, have found themselves hopelessly cut off from their areas of present and future growth. Of course, the time will come all too soon, perhaps, when metropolitan Nashville will need to extend the urban district boundaries into neighboring counties.

Just how new, original, or unique is the proposed Metropolitan Government of Nashville and Davidson County? In one sense it is not a new

What are the chances for adoption on June 17? Assessing such prospects is always hazardous. The experience of other metropolitan areas seems to indicate a rather slim chance, particularly on a maiden voyage such as this one. Most political observers in Nashville predict "rough sailing" for the charter, yet both daily newspapers and much of the community leadership support the charter. One fact is undisputed—the progress thus far has surprised the most optimistic.