

**CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE  
MEMPHIS CHARTER COMMISSION MEETING  
OCTOBER 11, 2006**

Present: Commissioners: Willie Brooks, George Brown, Jr., Marsha Campbell, Sylvia Cox, Janis Fullilove, Myron Lowery, Sharon Webb

City of Memphis/Law Division: Jenni Falkof/Assistant City Attorney, Berneta Miles, Administrative Assistant to Sara Hall, City Attorney

Guest(s): Steve Wirls/Rhodes, College; Brian Kuhn, Shelby County Attorney

The meeting was called to order by Commissioner George Brown, Jr. with prayer by Commissioner Sharon Webb.

The minutes of the September 27, 2006 meeting were approved as read. The Commission elected a Vice Chair. The nominees were Willie Brooks and Sharon Webb. Commissioner Willie Webb was elected Vice Chair with 5 votes. Commissioner Webb had 2 votes. The elected officers are: George Brown, Jr./Chairman, Willie Brooks/Vice Chairman, and Sylvia Cox/Secretary.

**Introduction of Steve Wirls/Rhodes College**

Professor Wirls began his discussion on MLGW and its relationship to the charter. He made references to several sections and noted that the most relevant parts are in the amendments. He focused on the section that reorganized MLGW. Though the charter makes reference that MLGW is a “division,” it is not. It does not operate as the other divisions of the City. It is an independent entity.

Professor Wirls discussed the divisions within the City government, how they work, and how they are different from the structure of MLGW. This brought an open discussion regarding the specific operation/structure of MLGW.

**Introduction of Brian Kuhn, County Attorney**

Attorney Kuhn was the Legal Advisor/Attorney for the Shelby County Charter Commission. The County government adopted a charter in 1984 and went into effect 1986. Until the Constitutional Convention of 1978, the county did not have the right to charter as a government so they structured their government on what is known as “private acts” - acts passed in Nashville but ratified locally.

The County Charter Commission was appointed by the County Mayor and confirmed by the County Commission. Each Commissioner chose one person from their district; so, there were 11 members on that County Charter Commission. The County Charter Commission decided to mirror image their present government structure in the new charter. It was done so that it would be easy to pass (no radical changes for the public) and at that time, that form of

government seemed to be working well. It has only been amended 3 times.

Attorney Kuhn's comments on the County Charter Commission:

- Understand the role/function of a charter
  - Transition of current working government into new charter
  - Charter is built on:
    - Article I - The powers and functions of general empowerment of creating government;
    - Article II - The legislative branch (sets up the legislature)
    - Article III - The executive branch (creates, empowers, restricts)
    - Judicial Branch - Limited because of existing restrictions that apply to county government
    - General Conditions (Conflicts of Interest, County Seal, amendments, etc.)
    - Prohibition Section (Article 6) - Things that it can not do
    - Transition Section
      - Charter was voted on by the people in its entirety
      - Reviewed other charters that were similar to their form of government and size

Commissioner Brown asked Attorney Kuhn to discuss ordinances and resolutions as they relate to the charter. The County Charter Commission placed within their charter the definition of an ordinance and resolution:

ORDINANCE - ...any local legislation adopted by that body which is adopted according to the formalities set forth in this charter, and is of county wide concern of a permanent nature in its effect, whether in a governmental proprietary nature, including but not limited to all types of formal actions ratified by the Board of County Commissioners in the nature of private acts...

RESOLUTION - ... any measure adopted by the Board of County Commissioners which is not an ordinance requiring a majority vote to pass as you must otherwise require by law for the issuance of bonds, notes or other evidence of indebtedness with the county in dealing with matters of a temporary and special nature, generally involving administrative matters...

Attorney Kuhn discussed briefly:

- The role of the county mayor vs city mayor - veto authority, contracts
  - Restructuring Act - Private acts specifically for Shelby County
  - Time constraints

Commissioner Brown reminded the Commissioners that we are still in the education phase. He asked the Commissioners to use the time to ask any/all questions for clarity. At the next meeting, we will have representatives from the Municipal Technical Advisory Service. This is a service that assists cities/commissions which are undertaking the role/duty of revising/creating charters.

The next meeting dates are Oct 25 at 2 p.m., Nov 8 at 2 p.m., and Dec 13 at 2 p.m. Commissioner Brown noted that we would continue the remaining 3 meetings at City Hall.

Berneta Miles will check the availability of the conference room and notify all parties. At the beginning of the new year, the City and County attorney (and others who deal directly with the City Charter) will visit to advise the Commission of any provisions within the City Charter that may be problematic. We will also revisit MLGW for a better understanding of its charter. It was suggested that the City and County attorney provide a reference list of the articles that will be discussed so that the Commissioners may review them prior to the attorneys' presentation(s). It is hopeful that around the spring of 2007, the Commission will begin receiving community input.

The Commission is still waiting for a response regarding the time-frame for giving their proposals to the public and guidelines in the event of resignation or death of a Commissioner. Until further advised, the Commission will work toward a completion date of August 2008.

Commissioner Fullilove thanked Commissioner Lowery for his input in bringing the commission together as acting chairman in Commissioner Brown's absence.

Commissioner Campbell suggested that we make an effort to provide information to the public as to the status of the work of the Charter Commission. It was also suggested that we invite the media to the Nov and/or Dec meeting for an update.

There was no new business and the meeting was adjourned.