

**CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE
MEMPHIS CHARTER COMMISSION MEETING
SEPTEMBER 27, 2006**

Present: Commissioners: Willie Brooks, Marsha Campbell, Myron Lowery, Sharon Webb

Absent: Commissioners: George Brown, Jr., Sylvia Cox, Janis Fullilove

Guest(s): Honorable Russell Sugarmon, Steve Wirls/Rhodes College

The meeting was called to order by Commissioner Myron Lowery with prayer by Commissioner Sharon Webb.

The minutes of the September 13, 2006 meeting were approved as read. Commissioners requested that the font used in typing the minutes be changed as it was causing problems when transmitted via emails. So noted and will be changed.

Election of officers continued to the next meeting without objections. Commissioner Brown advised the Commission that he would not be at the meeting on September 13. The 4th floor conference room at City Hall has been confirmed for the Commission meetings on Oct 11 and 25th. Future meetings will be at other locations within the City to include meetings with specific agencies, i.e., City Council, Shelby County Commission, School Boards, Mayor, etc.

Commissioner Lowery reported no response from the state Attorney General regarding the Commission's time-frame for giving their proposals to the public and guidelines in the event of resignation or death of a Commissioner. He will report to the Commission as soon as a response is received.

Introduction of Member from First Charter Commission

The Honorable Russell Sugarmon provided comments on the role of the first Charter Commission. His comments are as follows:

- Process should not be too specific as it can cause problems
- Study the problems very carefully as you may implement rules/laws that could cause problems for the city, e.g. living wage - could put City in a financial obligation that they may not be able to meet or you may have to make changes within the charter more often than needed
- Growth of city - status of middle class - City can go either way - up or down
- First Charter Commission - wanted equal representation from minorities

- District tends to limit the range of representation; At-Large gives you the opportunity to get an overall viewpoint; review the impact it has on the current structure of the city
- Segregation of Schools - Question posed as to why that language is in the Charter. It is part of the City School Charter and not the City Charter; however, both Charters are housed in the City of Memphis charter book. The current Commission will review the statement and Atty Falkof will review if the Memphis City School Board Charter should be addressed by the current Charter Commission
- Review the Charter by sections and address specific ideas/issues. Reading the entire charter can be very tedious.
- Opposed Manager/Council control as it works similar to a corporation - no true representation by minorities. Reviewed Strong-Mayor/Council and Weak-Mayor/Council rule.
- Term Limits - Originally opposed. No set opinion now as there are good and bad aspects - depends on one's personal perception

Introduction of Steve Wirls/Rhodes College

Professor Wirls discussed the charter as it is compared to the constitution. He does not have the experience of seeing the charter in action as would other elected/appointed City members/employees. He addresses the design of the charter and its functions:

- Charter is a constitution - constitution with a different name
- Establishes the form of government
- Review it very carefully and in detail - how it operates as a whole - does it affect another section/part/clause
- Separation of powers
 - Gives different points of view
 - Provides checks and balances
 - Gave examples of use of power(s) and various definitions of charter terms
- Discussed specific sections of the charter
 - Power of council and mayor
 - Funding for Charter Commission
- Reading of Charter as it relates to referendums

Commissioner Lowery commented on the educational process that the Commission is going through. With all the information that the Commission is receiving, it will be their responsibility as a body to study the charter, listen to their constituents, and recommend changes that will benefit all. It is understood that some constituents may need to be informed as to which matters fit within the realm of a Charter; however, that is such a large undertaking that it may not be possible. It will be the responsibility of the Commission to listen to the constituents, discuss the matters and make a collective decision regarding the recommended changes.

A discussion regarding the Commission's voting procedures was presented. It was suggested that four (4) votes will be a majority rule. It was acknowledged that four (4) is also a quorum; however, when there are only four (4) Commissioners present, items to be voted on would be reconsidered at another meeting when four (4) votes would be a majority. Those Commissioners present agreed that would be a good policy. It was also suggested that this Commission may recommend rules/guidelines for future charter commissions as there are no present rules/guidelines.

There was no other business and the meeting was adjourn