

CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE
MEMPHIS CHARTER COMMISSION MEETING
November 8, 2006

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

Steve Wirls, Professor/Rhodes College

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

Guest(s): Rick Whitehead, Municipal Technical Advisory Service

The meeting was called to order by Commissioner George Brown, Jr. with prayer by Commissioner Janis Fullilove.

The minutes for the October 25, 2006 meeting were approved as read.

Introduction of Rick Whitehead/MTAS

Mr. Whitehead continued a discussion regarding the definition of a “charter.” He expounded upon the number of charters within the state and that none were the same. Charters are a reflection of its governing city/community. He began a review of the handout that he distributed. The charter is a different document from your code of ordinances. This code of ordinance is a compilation of all the laws that are passed by the City Council. The charter empowers the City Council to pass those ordinances and it contains the city’s form of government, how the city is organized administratively (departments, etc.), and a list of what the city officials can and cannot do.

Mr. Whitehead suggested to get assistance from a legal advisor if there were concerns regarding information that should be placed in the code of ordinances and the charter. He also reemphasized that the Charter Commission should let MTAS know how they should assist the Charter Commission with their tasks. MTAS can provide research and surveys. If they are asked to provide surveys, they prefer to limit it to the state that requested the survey. They apply this limitation because laws vary from state to state; thus, you should only use the laws that will apply to your task. The surveys can be as detailed as the requestor likes. They also can provide legal opinions. Mr. Whitehead will see that MTAS will research the issue of term limits and other forms of government in cities the size of Memphis.

Commissioner Lowery asked for clarity on the matter of replacing a commissioner in the event of resignation or death. Mr. Whitehead said that he would forward the request to one of the legal consultants for MTAS. Commission Lowery also asked about the timeline for the Commission to complete their task. Mr. Whitehead said

that he had reviewed the matter regarding the timeline and that it appeared rather clear to him. That is that the Commission's task must be presented to its citizens at the next general election. However, he would get a legal opinion on that.

Commissioner Brown suggested that the real question may be "What is a general election." There will be an election in August 2008 and November 2008. This is a matter we will have to look at later as it may involve deciding what is the best time to present this to the citizens, e.g. length of ballot. Commissioner Brown stated that when the Commission gets to that stage, he would call it a political stage; that is 1) informing and educating the public to the proposed changes to the charter and 2) which ballot to place it on - August or November. It will probably be around the first part of 2008 before the Commission can make a decision on the date.

Commissioner Brown started an open discussion with the Commissioners about their understanding of their duties as members of the Charter Commission. It went well and was good for the body. All felt that they had received an appropriate amount of information that would help them in the decision process. He reminded the Commission that he sees three phases: 1) Education, 2) Fact gathering from constituent groups/agencies, community at large and 3) Digesting information that has been received and seeking assistance from our resource of experts.

Commissioner Fullilove addressed the issue of seeking funding/financial assistance from City Council. It was discussed and decided that those matters would be addressed when needed. At the present time, there is no charge for the services being provided by MTAS and the City of Memphis, Law Division and there are other individuals/organizations willing to provide services to the Charter Commission free of charge.

Commission Lowery addressed the perception by the public that the Commissioners had been elected by districts. He suggested that the Commission choose locations that were strategically located to encompass all districts for the welfare of the public. He also addressed the matter of the public having their questions in writing. Commissioner Brown reminded them that this process is a matter of proficiency. Commissioner Cox suggested that we provide a document for the public to write on if they did not bring a written statement. Commissioner Brown stated that we may be ahead of ourselves and that we should schedule a meeting around the first of the year where the Commission can decide on some procedures for going to the community, e.g. time, place, how many occasions and the rules. Hopefully, we can do this the first part of January and fine tune it for delivery to the public by the last of January.

Introduction of Jenni Falkof

Jenni Falkof, Assistant City Attorney, researched the matter of the Memphis City School Charter being within the Memphis Charter. It is not part of the Memphis Charter but was simply put there by the publishing company. The Memphis City School Charter was created by the Private Acts of 1866 -1869; therefore, any changes would have to be

presented to the state legislature. She reminded the Commissioners that though there was language within the Memphis City School Charter which may cause concern, there are federal laws in place which make the language obsolete. Also, she will look at the Commissioners' request to provide dividers for their Charter books and she stressed the importance of reviewing the POP Charter each time they read an amendment. Unfortunately, there is no easy solution to reading the Charter.

Professor Wirls commented that as the Commission begins to review specific elements within the Charter, the Commissioners will have a better understanding of the amendments and their effect on each section and the Charter as a whole.

The Commission began a discussion regarding a timeline. A motion was presented, amended and approved that Sylvia Cox, Charter Commission secretary, will develop a timeline for presentation at the next meeting (December 13, 2006) for the Commission to vote on; the Commission will call for a news conference at the first meeting in January 2007 and will lay out a timetable for meetings at that time. Sara Hall, City Attorney and Alan Wade, County Attorney will provide a presentation at the December 13th meeting. Commissioner Brown also suggested that we set a date for two meetings in January 2007. The recommended January meeting dates will be January 10 and 24, 2007 and Berneta Miles will verify that those dates are available at City Hall. All future meetings will convene at 3 p.m.

Commissioner Lowery provided an update on the website. The foundation has been laid for the website but they still need pictures and biographies of the Commissioners. There has been only one request for business cards and ID's will be provided to anyone who wants them. Before the website goes live, the Commissioners will review and approve or disapprove it. The website will contain an email link, commissioner's biography and picture, minutes of the meetings and the schedule for future meetings.

Commissioner Cox asked that everyone provide recommendations/suggestions for the timeline.

The meeting was adjourned.