

CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE
MEMPHIS CHARTER COMMISSION MEETING
January 3, 2007

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): Alan Wade, City Council Attorney and Sara L. Hall City Attorney

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

The minutes for the December 13, 2006 meeting were approved as read.

The meeting began with a discussion on dates for the public forums - 3 weekdays and 1 weekend. The discussion continued with suggestions for locations that included churches, libraries, community centers, The University of Memphis, Board of Education and city owned/operated facilities. The locations must be accessible to all constituents. After much discussion, it was decided that we would check on the availability of community centers, libraries, Board of Education and NEA building.

The discussion moved to dates for the public forums. It was agreed that the weekday meetings would be Tuesday, Wednesday or Thursday. The one weekend meeting will be on Saturday. The dates chosen are March 27-29, 31 and April 18, 24-26. It was also decided that two of the meetings would be at a community center located in the northern and southern parts of the city and two at the NEA, Board of Education or Central Library on Poplar Avenue.

Commissioner Brown asked Jenni Falkof to check with MTAS to give recommendations on how to conduct the forums.

Introduction of Attorney Wade and Attorney Hall

Allen Wade is the attorney for the Memphis City Council. Sara Hall is the attorney for the City. Commissioner Brown commended both attorneys on their professionalism in their respective roles. The discussion began on their use of the Charter in their respective roles.

Attorney Hall began the discussion stating that the City is a business with numerous duties being performed on a daily basis for the constituents and the City. The Charter is a structure and a framework; and that it should be a documents that allows the City to function in a productive way for the City and it's constituents. Be mindful that in addition to outside laws, e.g. state, federal, that affect the City of Memphis, it's day-to-day operations are also affected by the laws of its Charter. Ideally, you want a structure, a separation of powers and an interplay of the branches. Inevitably, there are places in the Charter where the power of the administration and the power of the Council will intersect. There are also debates as to where is that intersection. To a large degree, there is no way to state each scenario and how it will be decided. It is a healthy exercise that causes our bodies to be critical at times but also causes the bodies to work together for the good of the City.

Attorney Wade began the discussion with a brief history of the Charter. The current Charter is the result of a private act by the General Assembly with new acts added as approved by the General Assembly. The City adopted Home Rule in 1966 which set forth different modes of operations that previously existed. It is how the prior Charter and the Home Rule Charter interface that creates some ambiguity. Overall, it is a good working document. The challenge before this Commission is not what you do but what you don't do. Be careful not to strangle the ability of the administration and the council to grow and take on the ever complex nature of how the city operates.

Attorney Wade and Hall gave examples of how the marriage of the prior and the Pop Charter may cause ambiguity. Some areas of concern are:

- Power to contract ... it remains with the mayor ...
- Interim appointments .. what power does the mayor have ...
- Ability of the council to budget
- Law Division as a "set division" within the Charter and its duties
- Municipal elections
- Set time to clean-up/review charter

Commissioner Brown suggested that the Commission get clarity as to whether or not the final changes for the Charter must be stated as "one" or "multiple" questions. Commissioner Brown addressed the issue of ethics and the City Council and Charter Commission's role in addressing the matter. Attorney Wade stated that it is more than likely that the City Council will address those concerns so that it would not be a concern for the Commission. The City Council is under a state mandate to adopt ethic legislation.

The Commission had an open discussion of the subject matter presented by Attorneys Wade and Hall, date of next general election, format for referendum and ethic mandate by the state. The City Attorney's office is to assist the Commission in clarifying the rules that will apply for the Commission to present its proposed changes to the public.

Commissioner Campbell prompted a discussion regarding a state mandate for the City Council to write an ethic ordinance and how/if that would have any impact on the Charter

Commission duties. Commission Lowery advised that Chairman Marshall had appointed an ad hoc Charter Commission Committee of which he is the chair. Commission Lowery will advised when they meet.

As to further guests to speak to the Charter Commission, it was decided to invite the Mayor, Chair of the City Council and other City Council members for the next meeting (January 24, 2007). Jenni Falkof will extend an invitation to the President of MLGW and other judicial entities and clerks for the month of February.

The meeting was adjourned.