

**CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE
MEMPHIS CHARTER COMMISSION MEETING
OCTOBER 25, 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): Melissa Ashburn and Rick Whitehead, Municipal Technical Advisory Service

Absent: Steve Wirls, Professor/Rhodes College

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

The minutes for the October 11, 2006 meeting were approved as read.

Introduction Melissa Ashburn

Ms Ashburn is an employee of the Municipal Technical Advisory Service (MTAS). It is an agency that is funded by the Tennessee tax system. Its purpose is to provide technical support to cities in the state of Tennessee regarding their respective municipal government. She began the discussion by providing background on city charters in Tennessee.

The city charter is a form of constitution. That is it provides structure, powers and limitations. She discussed the following items:

- Charters - 3 types/Private Act, General Law, and Home Rule
- Private Act - Passed by General Assembly and applies to only one city or county. It can also be an agreement/contract between two cities but it only applies in that particular situation. Once passed by the General Assembly, it is sent to the city for vote by its citizens or the governing body accepts it by two-third votes of its membership. When it is sent back to the Assembly, it is specified as to how it will be adopted. It can be amended every year. All cities in West Tennessee have a Private Act Charter except Memphis which is Home Rule.
- General Law - Set up by Title VI of the Tennessee Code. Cities governed by the General Law Charter may adopt 1) Mayor-Aldermanic Charter; City Manager Commission Charter, or Modified City Manger Commission Charter. The difference in each is voting power - commission may elect mayor versus a poplar election of the mayor.

- Mayor-Aldermanic Charter - All cities using this form have the same charter. If the General Assembly chooses to change the charter, it can; and, it will affect every city that adopted that form of charter. However, changes may also be initiated by an individual city. All parties will be notified of the pending change.

- Home Rule - Created by the 1953 Tennessee Constitutional Convention as Amendment VII (Tennessee Constitution, Article 11, Section 9). The citizens of that city control the charter versus the General Assembly. All changes to the charter must be voted on by the citizens of that city. These changes can be brought to the citizens in several ways:
 - Governing body passes an ordinance that will appear as a referendum on a ballot
 - Petition the election commission
 - Governing body appoints a charter commission
 - All changes must not conflict with any existing state or federal laws

- Metropolitan - Set up in Title VII of our general law. It is a consolidation of city and county functions. Citizens have to vote to decide whether or not they want to consolidate the city and county government.

- The Charter Commission's duties, as the constitution pertains to Home Rule, are to see that the charter covers the powers, duties and functions of that local government. This includes the form, structure, personnel and organization of the local government. It also must state how votes are counted; how many must be present for a meeting; how many votes are necessary to pass certain measures.

Ms. Ashburn asked that all requests to MTAS be in writing. MTAS can also provide onsite assistance, conduct surveys, and provide examples/templates. It was voted and approved by the Charter Commission that Chairman Brown would be the contact person for MTAS. Mr. Whithead, MTAS/Jackson, Tn, will address the Commission at the November 8th meeting. Ms. Asburn reminded the Commission to seek input from others regarding proposed changes.

Since we have help from MTAS, Commissioner Fullilove asked if we would need the services of other legal sources. Chairman Brown stated that he believed that we could receive adequate and objective assistance from either the City Attorney, County Attorney or MTAS. However, at some point, we may need to seek other legal sources. Commissioner Fullilove also addressed the issue of the public not viewing the commission as a separate entity by using the services of the City Attorney. Chairman Brown assured the Commission that we, as a Commission, would conduct our business in such a way that the public would see that the Commission is a free standing body.

Several Charter Commissioners expressed concern regarding the organization of the charter. It is hard to decipher/read. Jenni Falkof, Assistant City Attorney will research and advise.

Commissioners asked that the minutes of each meeting continue to be sent to them at the City of Memphis and their personal email addresses.

The next Charter Commission meetings will be **November 8, 2006** and **December 13, 2006** at City Hall, 4th Floor Conference Room A. It was motioned and approved that the next two scheduled meetings will be at **3 p.m.** There will be a self-assessment of the Charter Commissioners at the November 8th meeting.

The meeting was adjourned.