

MINUTES
CITY COUNCIL CALLED MEETING
APRIL 21, 2011

The Jackson, Tennessee, City Council met on Thursday, April 21, 2011, at 9:00 a.m. in the George A. Smith Meeting Room at City Hall with Mayor Jerry Gist and Council members Charles “Pepper” Bray; Ernest Brooks, II; Harvey Buchanan; David Cisco; Maurice Hays; Frank Neudecker; Charles Rahm and Randy Wallace present. Council member Willie L. Moore, Jr. was not present. Also present was Anita Brooks, recorder of the minutes.

Mayor Gist gave the invocation and led the audience in the Pledge of Allegiance to the Flag.

The purpose of the meeting was to consider proposed amendments to the City of Jackson Charter as recommended by the Charter Review Committee.

Sammy West, Chairman of the Charter Review Committee, was present and addressed questions regarding the proposed amendments.

Lewis Cobb, City Attorney, advised that it was his opinion the proposed Charter amendments had to follow the Private Act provision of being passed by the City Council, adopted by the State General Assembly, and sent back to the City Council for ratification.

Council members Brooks and Neudecker expressed their concern of disenfranchising people of their rights to elected representation, if a time limit was not imposed as to how long a person appointed to fill a council vacancy could serve. Council members Buchanan and Hays suggested adding a clause to the proposed Charter amendment to reflect that if the appointment was less than two years, the

person would serve until the next regularly scheduled municipal election and if the appointment occurred over a half of a term and there was a general election scheduled, the person would serve until the next regularly scheduled general election. Attorney Cobb advised that he could draft language for the proposed amendment to reflect the vote of the City Council. Harrell Carter, President of the Jackson-Madison County local branch of the National Association for the Advancement of Colored People, was present and expressed comments regarding citizens' rights to elected representation.

Council member Buchanan asked if the elections for the City Judge and the City Court Clerk could be channeled back in with the municipal elections. Attorney Cobb explained why the City Judge and City Court Clerk elections were scheduled the way they were scheduled.

Council member Wallace questioned whether the City Council was being overly ambitious in trying to get the Charter amendments to the State General Assembly in the next three days since no changes had been made to the Charter in the last 20 years. Council member Wallace also asked if the consideration of the proposed Charter amendments could wait until next year since a lot of the language for the proposed amendments would probably be rewritten. Attorney Cobb suggested that the City Council consider adopting the amendments that were uncontroversial and excise the amendments that were controversial from the package of Charter amendments that would be sent to the State General Assembly. Council member Brooks made a motion to postpone the consideration of the charter amendments until next year. In that Council members were still debating on whether to approve the uncontroversial Charter amendments for submission to the State General Assembly, no action was taken on Council member Brooks' motion.

Mayor Gist called upon the Chairman of the Charter Review Committee to read the proposed amendments for the consideration of the City Council. Council member Neudecker made a motion to approve the recommendation that addressed gender bias in the Charter but later withdrew his motion after the City Council agreed to wait until all the Charter recommendations had been read and examined before they made a decision on the proposed Charter amendments.

Council member Neudecker sought clarification on whether the City Judge and City Court Clerk could seek multiple positions with the city while serving in the position of City Judge or City Court Clerk and advised that although he did not have an argument with the Charter Review Committee's recommendation regarding a council member's change of residency from one district to another, he was not sure if an elected representative out of the district for which he was elected would hamper the representation, if the change of residency was due to redistricting. Council member Neudecker also asked questions relative to proposed membership qualifications for the Municipal Civil Service Commission. Council member Wallace advised that he would prefer to see someone serving on the Municipal Civil Service Commission who was purely in private enterprise as opposed to public enterprise.

On the motion of Council member Rahm, seconded by Council member Brooks, unanimous approval was given to submit the following Charter amendments to the State General Assembly:

- Section 1 – (Page C-4): Address gender bias present in the document by adding the statement, "As used in this Charter, the masculine shall include the feminine, and the singular shall include the plural, and vice versa."
- Section 3 – Elections (Page C-5): Revise the wording on the appointment of a replacement council member "...by a vote of six (6) members of the

council ..." to read "...by a vote of 75% or more of the non-vacant council positions..."

- Section 3 – Elections (Page C-11): Lengthen time frame for council redistricting from ninety days of receipt of U.S. Census data to one year.
- Section 10, Item 6 – Powers and Duties of the Mayor (Page C-12): Change terminology from “an annual condensed statement” to “an audit of all funds.”
- Section 10, Item 7 – Powers and Duties of Mayor (Page C-12): Revise the wording in the section to state that “The mayor shall be responsible for the training and equipping of a force of police **and fire** sufficient to protect the health, welfare and property of the citizenry ... Such volunteer reserve, when called to duty in time of emergency or otherwise shall have full authority as a regular police officer **or firefighter** of the City of Jackson.”
- Section 10, Item 13 – Powers and Duties of the Mayor (Page C-13): Replace indefinite wording “this department...” with “the departments responsible for the delivery of the services listed below and shall be charged with the duty of enforcing...”
- Section 10, Item 19 – Powers and Duties of the Mayor (Page C-14); Section 57 – Assessment of Taxes (Page C-32); and Section 58 – Tax Levy to Meet Expenses for Year (Page C-32): Add the term “other telecommunications” to telephone and telegraph.
- Section 24 – Recall (Page C-24): Typographical error in the sentence “Other candidates, if there **by** any ...” to be corrected to read “Other candidates, if there **be** any...”
- Section 26 – Ordinances (Page C-24): Typographical error in the sentence “... unless published at **lease** five days ...” to be corrected to read “...at **least** five (5) days ...”
- Section 26 – Ordinances (Page C-24): Change the wording of the last sentence to read, “A resolution may be acted upon at the same meeting at which it is introduced and need not be published.”
- Section 30 – Initiative (Page C-26 and C-27): Typographical error on page C-26, in the sentence “Second: The recorder shall ... **it** none is so fixed, ...” to be corrected to read “Second: The recorder shall ... **if** none is so fixed, ...” Another typographical error on Page C-27, in the sentence “The council may submit a proposition ... such ordinance shall thereby a repealed or amended accordingly” to be corrected to read “... such ordinance shall thereby **be** repealed or amended accordingly.” And the final typographical error on the same page in the sentence, “The recorder

shall submit ... as **son** as it may be done ...” to be corrected to read “The recorder shall submit ... as **soon** as it may be done ...”

- Section 55 – Power to Tax Where State Tax Powers Exist (Page C-31): Replace “fifteen percent (15%) of the amount of tax” to “no more than allowed by state statute.”
- Section 58 – Tax Levy to Meet Expenses for Year (Page C-32): Delete the phrase “and library fund” because the library fund is no longer in existence.
- Section 84.3 – Contested Case Procedures (Page C-38): At the end of the first paragraph of the section, add the following: “Except that the Commission shall not be required to make a written finding of fact and conclusions of law as required under the UAPA, and after hearing the testimony and argument, shall conduct public deliberation and vote in public. These open deliberations shall be recorded and the deliberations and final vote shall be in lieu of the requirement to have a finding of fact and conclusions of law.”
- Section 84.2 – Criminal Prosecutions (Page C-38): Error in the first sentence of the second paragraph that stated “... in the criminal proceedings, it appears ...” to be corrected to read “... in the criminal proceedings, **if** it appears ...”
- RELATED ACTS (Page C-41): Add ENVIRONMENTAL COURT – C-80 to the table of Contents.

The City Council decided to postpone further discussion on the following Charter amendments proposed by the Charter Review Committee until after July 1, 2011:

- Section 3 – Elections (Page C-4): Add a clause that states, “No person shall be allowed to seek multiple positions in any single municipal election.”
- Section 3 – Elections (Page C-5): A council member’s change of residency from one district to another be considered a vacancy and the rules for appointing a new member be executed.
- Section 3 – Elections (Page C-5): Revise the wording in the Charter to state that the person appointed to fill a council vacancy shall serve until the next regularly scheduled municipal election instead of serving until the next regularly scheduled general election.

- Section 14 – Mayor and Council (Page C-20): The method proposed by the Charter Review Committee for establishing the salary of the mayor and council pay.
- Section 47 – Salary (Page C-30): Revise the section to read “The salary of the City Judge shall be the same as that of the General Sessions Judge along with annual cost of living adjustments.”
- Section 48 – Clerk of the City Court (Page C-30): The inclusion of a salary for the City Court Clerk and a recommendation to set the City Court Clerk salary equal to that of the Madison County Juvenile Court Clerk.
- Section 80 – Municipal Civil Service Commission Created; Membership, Qualifications (Page C-35): Change the wording in the sentence regarding qualifications **from** “No member of the Commission shall be employed in any manner by city, state, county or federal government ...” **to** “Citizens otherwise qualified who work for local independent agencies whose board is appointed by federal, state or local government, such as the Jackson-Madison County Hospital, the Jackson Energy Authority, TVA, that are chartered by the state shall not be considered city or county employees.”

Mayor Gist acknowledged the audience presence of Charter Review Committee Member Warner Turner.

Tentative dates for budget hearings were announced.

There being no further business, the meeting was adjourned at 10:15 a.m.

JERRY GIST, MAYOR