

November 7, 2007

CHARTER AMENDMENT Ad Hoc

Transcript

9:30 a.m.

9:35 a.m.

Comm's present: Chair David Lillard
 J.W. Gibson
 Steve Mulroy
 Henri Brooks
 Sidney Chism
 Mike Ritz
 Joyce Avery
 Wyatt Bunker
 Mike Carpenter

Guests: Beverly Crockett, IT

LILLARD: We are going to convene the Ad Hoc Committee of the Shelby County Board of Commissioners on the Shelby County Charter Amendments, David Lillard presiding. We also have Commissioners J.W. Gibson II, Mulroy, Brooks, Chism, Ritz, Avery, and Bunker present.

Welcome everyone. This morning we're going to start with a presentation by Beverly Crockett of the IT Department on the Shelby County website. We have placed on the website notice about the committee's proceedings and various other information. I'm going to turn the meeting over to Ms. Crockett for her presentation.

CROCKETT: Chairman Lillard charged us with making information available to the citizens of Shelby County in an easy to view format. He wanted it on the front page and easy to find. So, we have placed it in the spotlight area, an area that we usually update on a frequent basis, where the information can stay for weeks or months at a time. We start with a lead-in advising the citizenry of what we call a "teaser" of the purpose of these particular pages, which is a Charter Amendment to be proposed by the County Commission, and what the function of the Ad Hoc Committee is. This takes us to the introduction, with a little history provided. We put links in what we believe is a good flowing format on the right side of the page, and links, when appropriate, inside the document itself. Let's first go back to the links. Excuse me - evidently this desktop has not loaded Adobe in the recent past. This is a letter from Chairman Lillard to the citizens, again advising them of the ad hoc committee to review our charter as presently written. Then we list the membership of the ad hoc committee. This is going to be updated as you determine when your meetings will be, and the schedule and locations of public hearings. Because Chairman Lillard wants the citizens to be well aware of what's going on, we're going to post transcripts of all ad hoc committees and the public hearings. We have started off with some FAQs that might answer a few of the questions that the citizenry might have. We have listed issues. We have broken those issues down into primary issues, the first being those offices of elected officials, and the second, any other issues that might need to be, for lack of a better word, reviewed while this ad hoc committee is in session. We have provided an organizational chart, again to inform the citizens of Shelby County just exactly how Shelby County Government is broken down, highlighting those five elected official's positions. We have provided another organizational chart that you can click on the bottom for easy printing. We are providing the

Charter, which you are all familiar with, but the citizens can read it and refer back to it. We are providing contact information, and we are providing links and references. We only have references in PDF format at this time. We will be adding links as we flush out the website. I have saved what I think that you will find very beneficial for last, and that is the Citizens Input Page to give the citizens of Shelby County the opportunity to voice their opinions at this time, what they would like to see in reference to any proposed changes to the Charter, or to respond to any comments that they might read from the transcripts or from public hearings if they are unable to attend. The only thing we are asking – all the information is voluntary with the exception of the zip code. So let me just put one in, then they enter their comments here, and press "submit". It takes them back to the main page. And from your perspective you ask "how can I see what the comments are?" We have set up a public folder in your mailbox that you can reach. It is very simple to get to the public folder. At the bottom right you'll see these three icons, click on the folder list, then scroll down where you will see all public folders. Click on the Charter Commission and when public comments are received they are automatically loaded into this folder. **Every commissioner, 5 elected officials, and representatives from the mayor's office will be able to read comments.** That's about it. We will be updating this as needed, as more information is received and it can be updated in a fairly timely basis. Does anyone have any questions?

LILLARD: Let me just clarify one thing. The comments that will be available to all the commissioners that the public makes, and to the commission staff assigned, but I believe we also talked about them being made available to the five directly affected public officials as well. So, no one could alter the comments, just call them up and look at them, the people who have access.

CROCKETT: Yes, it is available to all the five. That is correct.

LILLARD: I don't know if you've had time to get with the directly affected elected officials, how they sign in and all that, and commissioners as well.

CROCKETT: If you are logged into the network and you can access your Outlook, then you can pull up the public folder. If anybody has any questions they can certainly call us, and we will walk them through it.

RITZ: I noticed that there is a place for the organization chart, is there a place to print it? (yes). There looked like where you went to the full Charter, there was a place to print that. (yes). There were some other pieces of information on there where if you looked at it on the screen they were not fully covering the page, can someone print just the info side of this thing, or do they have to get all this Shelby County Logo and stuff down the left side?

CROCKETT: If it is a webpage they will get the header and logo and they will get all that information.

RITZ: Is there a reason in your business, in what you do, why it would be logo'd and all that other stuff instead of just a full page of all the information, so people can focus on that?

CROCKETT: I can make a page that they can link to on here, that would just be printable, a printer friendly page.

RITZ: You got it. That's where I'm heading with my question. You know, you sit at home and want to print all of this stuff off, and if you have a color printer, it just eats up the ink.

It's really not relevant to the subject. I was just trying to make it as printer friendly as possible. That's the only reason I'm asking this question. No criticism. I do this a lot at home and it frustrates me to have to eat up my color printer cartridge and paper printing off stuff that has nothing to do with what I'm trying to get. I don't know whether other commissioners feel the same way, but that's my suggestion.

CROCKETT: I understand. We can do that.

LILLARD: Good suggestion. I've had the same experience. Any other comments?
Commissioner Gibson is recognized.

GIBSON: First I would like to commend you. You guys have done a fantastic job with this site. Have you given any thought to how we actually make the community as a whole aware of this opportunity?

LILLARD: That is something we intend to discuss a little later in the meeting. You are correct, commissioner, we need to talk about the public notice that would be given of our regular meetings as well as our public hearings. Because that's a big subject we're going to take up here in a few minutes. We're trying to see what we've done so far, and get input, but that's a very important point you raise.

GIBSON: I was mainly speaking to their ability to go to this web site.

LILLARD: Oh, well there's a button on here that refers them to public meetings. Beverly ...

CROCKETT: Yes. "Schedule of committee meetings and public hearings."

LILLARD: When you go to the county website there's a link in the lower right hand corner, "Proposed Charter Amendments". Click on that link and go to the 2nd page you saw. The one before this one. That's the first page in the lower right hand corner for the proposed charter amendment. There is also a direct link to "citizen comments" at that point. You can click on that link. Go back to the main page, Beverly, and click on the link. That on the right hand side says "schedule of committee meetings and public hearings". Like today's meeting is posted on there with the time and location. Soon as the committee makes a decision about something it will be posted within a day thereafter on the website. So that's how that works. If there are any further suggestions, we will be happy to entertain those. And like I said, we have various information on the website. The idea is to put a lot of the backup documents on the website so that anyone can go lightly into it, i.e. go directly to citizen comments and make a comment and quit at that point, or if they want to go really deep into it and read the coordinator's opinion or go to the charter, they can spend hours doing that and printing it out, too. We intend to try to have as full and complete a field of information available to the public as we can, so they can determine what they can do to get into it.

BROOKS: I really appreciate the website. I think that's excellent and access for our constituents is very important, particularly on this issue. But I'm still concerned and I raised this issue last time about individuals who do not have access to the web, a process whereby since we do have a staff member devoted to working with this Charter Commission to maybe get out briefings after each meeting to the media, so that people who rely on Tri-State Defender, Commercial Appeal, Silver Star News or some of the other alternative newspaper and media

outlets would not be excluded from knowing what's going on. We need to be as inclusive as possible. Not everyone has a computer. They should but they don't.

RITZ: With respect to the comments that come in to the elected officials or the mayor's office, is there an opportunity in the way it's set up, for instance for Commissioner Ritz to respond to somebody's comment, much like any email - punch "reply" and go. I think that's good, both for the commissioners and for the elected officials, because they may want to reply to some of these comments also.

CROCKETT: I will have to refer that to Chairman Lillard because it was my understanding to have the commissioners and designated commission staff to have the capability to reply.

LILLARD: Basically, what I asked IT to do is give commissioners the ability to respond, as well as Clay Perry as assigned staff member, and Steve Summerall as chief administrator. We'll see how that goes and perhaps expand it further as we go.

RITZ: I'm just thinking out loud, because we haven't known this before, but it seems to me an appropriate thing to do to allow the five constitutional officers who are at risk to be able to do the same thing, and the mayor's office. In the mayor's office I'm really thinking about Attorney Brian Kuhn and his people. Not that they have to reply. I think what I would say is I don't think we want to move this "citizens input" forum into a Blog as I think that would be incredibly dangerous. I think we need the comments and if people think they are going to get Blogged, they would be reluctant to send in information. On the other hand I think it is appropriate for those involved in this decision (elected officials) to be able to respond to the citizens and I think that would be appropriate.

LILLARD: I left out of the previous statement I made that I'd instructed IT to allow the county attorney access to this as well as the elected 5 and the mayor.

KUHN: A few things since I was mentioned in that. I will not be in position to give legal advice. Our charter duty is to advise our county officials and so if they start asking legal questions, unless they are broad generic questions, I cannot give legal answers. Secondly, I think if the commissioners respond to some of the issues or specifics raised, I want to caution you that you probably should not copy the other commissioners on your email because we may be talking sunshine here. Now, we might be twice removed from the sunshine if everybody can go to the website to see your response, if other commissioners can go to the website to see your response. That's a new territory but wanted to make sure you are cognizant of that.

LILLARD: In the desire not to plow new territory in that regard, the chair is not advocating that we would do that, that another commissioner would be able to see a response to a particular item, because as you say that is extremely new territory right now and that is just something I personally don't think we need to get into. It's mainly so that commissioners can respond "I've heard your comments and will take them into account." Insofar as the county attorney responding, what I had envisioned is that if a citizen asks a question about why we can't amend section x of our charter in our proceedings here, rather than getting into it explaining to them why we can't do that, I might say to Christy Kinard "can you drop an email to this citizen and explain to them why this is a matter of state law that is not being affected by the charter" or something generic like that as opposed to a ruling or anything like that. Just saves time and effort from my standpoint to have the county attorney send a simple email back stating "we can't do that because it's governed by state law and not by charter" or something like that.

KUHN: I think we can do that. We won't counsel in terms of a legal opinion.

LILLARD: Right. Are there further comments on the website? Thoughts or comments? Thoughts from any elected officials? Ok we'll move on. Thank you so much, Ms. Crockett, we met with her and her staff for hours on this thing trying to get it together. Clay Perry worked on it, too. Any comments from you, Beverly?

CROCKETT: I just wanted to clarify one thing on the public folder where citizen comments will come in. That is not going to be visible from the internet. I just wanted everyone to understand that.

LILLARD: Right. The only people who have the ability to access it are those we have talked about today. It's sort of not a private thing, but not for public consumption. If anyone has any comments, I urge everyone to look at it, go home and call it up, play with it. If you see a deficiency, or something you think needs to be on there, talk to Clay Perry about it. I'm meeting with him twice a week on this basically, and we'll then deal with that.

KUHN: If a message is sent in to our website in this methodology I think will be a public record. So, a person with a public records request can access the information.

LILLARD: Right. I understand. Anything that appears on the county website is public information. In fact we're probably going to print out the comments for distribution to the commissioners. Ok, if we have nothing else on the website, thank you, Ms. Crockett.

Let's go on and talk about the **handbook and proposed amendments** to the Charter mockup. We should have copies for those who want to have copies. We also have an Appendix A with this. This mock up was prepared by Clay Perry and staff. Turn to the first page. We have a table of contents here after the title page which summarizes what the information is that is contained within this item. The anticipated use of this, so commissioners can comment on it, we can consider this, is that we would print probably a limited number of these and spiral bind them with a cheap plastic spiral binding. The inside we can probably run off double sided on relatively simple paper. The Charter would be part of it as Exhibit A and this would be given out at our public hearings, available to the public at our meetings. Also, when we determine how we're going to notify people about the proceedings of this committee and its public hearings, we will print in there the fact that you can call the commission office at 545-4301 and request a copy of this be mailed to you if you want the basic information right here, if you don't have access to the internet. Of course we will make extra copies available to any citizens group, political parties, church group, whatever it may be who wants to distribute these at any meeting they have or if they want to mail them out at their expense. With that comment, I open the floor for comments with regards to the contents of the handbook that is proposed, the mock up, and the general procedures for the item.

BROOKS: We will make copies for any neighborhood organization or church groups to distribute?

LILLARD: Yes I'm proposing that in reasonable numbers. I don't know about 20,000 copies. This handbook is also going to be available on the website. Any other comments on the handbook for distribution?

BROOKS: We will have some senior citizens like myself who will need some help reading, with eyeglasses and some have bifocals. So we may want to give consideration to the print on this. Just down the road we may want to look at making the print large throughout.

LILLARD: What we might do, commissioner, is 1) the chart in here is a mock up chart, it's not good quality but it will be a better copy when we do it again. But what we might want to do is make a large print available. Clay, would you make a note of that? Good point.

MULROY: Another point is the handbook needs page numbers, especially with a Table of Contents. Second, the register of issues. The secondary issues that are listed, I seem to recall a vacancy in the office of the mayor and emergency preparedness coming up in the last committee meeting. I think Commissioner Ritz mentioned that. Where did the first 2 items come from?

LILLARD: Clay, do you know where the first two items came from? I can't remember where I saw that.

KINARD: Those are two items that came up in May during sessions of the committee, and I made notes and continued with a list of those items as they came up, when a commissioner would say this may be something we want to review when we go forward with the charter amendments. I reviewed with chairman and continued with my list.

MULROY: So that's fine. I guess my question is, is this going to be an evolving list of secondary issues as they come up?

LILLARD: That's a good point and let me expand on it a little bit. I thought about this and need to get with David Griste at the Print Shop and talk to him, but we would print it with a lot of covers with a little higher quality and the inside would be close to copy quality, and we would only print a limited number, and periodically establish a schedule where at every meeting of the committee that list is updated and we can print new pages and substitute them. We don't want to print 10,000 of these things because it will change to some degree. The point is to remain as current as the committee orders.

MULROY: That makes sense. What would it take to get something added to the list of secondary issues? Would it take a majority vote of the commissioners? It occurs to me that if we say that if anyone at a public hearing mentions it, or anyone on the website mentions an issue, this could become a very lengthy list of secondary issues. So there probably should be some filter, some process for how they are added.

LILLARD: That's a very good point. If we have no further comments on the booklet then I wanted to get into the notice of public hearings and how we define the issues before this committee. That's a key issue you've pointed out and we've had discussions with the county attorney, so if you can hold that for just a minute.

MULROY: I also wanted to commend you and the staff for putting all of this together. It looks like you've done an awful lot of work and this is a really great start.

BROOKS: One last point on the book. It just comes to mind that the library system, I believe we have 19 branches. It would be a really great idea to include somewhere on the web page or at 545-4301 information that you can go to your nearest public library to pick up a copy.

LILLARD: That's a great point. We'll make it available at the public library. There may be other places people may have in mind where it should be available, town hall, city hall. Let Clay Perry know if you have any suggestions. Any other comments on the booklet itself? So I assume without objection that the general outline of the booklet is approved by the committee? Seeing no objection, it is so ordered and we will deal with it according to that discussion.

Now, let's talk about the register of issues here that Commissioner Mulroy raised. After speaking to the county attorney staff and considering this with our own staff and everything in meetings about the booklet and all, of course there are various ways to deal with the issues this committee works with. I ordered staff to separate them into, on a preliminary basis subject to the will of the committee, into what we'll call primary issues and secondary issues. **Primary being those related to the five elected officers**, those *** Knox County court case. **The secondary issues would be basically everything else**, such as Commissioner Ritz raised the issues about disaster preparedness at the last meeting, and we would maintain a constant perpetual register of these issues starting with what you see here. We would get the input from comments the citizens have submitted and we would put on here "citizen comment" or if the court clerk submitted something it would read "court clerk" although we may not identify which clerk so we'd have some idea of where it came from. Also scan any letters from officials. So we're looking for any basic input as to what the issues should be.

At that point they would go on the register and be distributed on some cycle to commissioners and other interested people and we could update the website on some cycle as yet to be determined, but again fairly often as to that. What I would ask the committee to consider is that at some point, prior to our having a series of public hearings, it seems to me there's the need to review the list of secondary issues and decide whether the committee will entertain public comment on these issues. In other words, if there is one issue that cannot even get one vote on this committee to get public comment, then there is no reason to put it out there on the public hearing schedule, because in the end we all know anything that comes out of this committee will have to get nine commissioners to vote for it basically to get on the public ballot. So, it's a super majority to get seven votes. So at some point the committee will have to establish what the required number of votes is to get on the public comment registry, I'll call it, or the public hearing register.

Looking at the secondary issues first, is there any comment? And there may be other methods that commissioners have in mind. That is just a preliminary suggestion on my part because as Commissioner Mulroy pointed out, you can get a list of 100 issues going here on secondary issues. It seems to me we need to concentrate on what will be considered seriously.

RITZ: With respect to the one on here that actually I think I raised the number 3 item. At one moment in time where there might have been a situation where I might have run for another office and how that would be filled in that we have since the Charter was amended. We now have primaries but the Charter does not provide for primaries. And the 4th one, Emergency Preparedness, on that particular one Mr. Chairman, I did not have any suggestions, but I think on something of that nature like on number 4 if we thought there was enough consensus here, say 4 or 5 commissioners felt we needed to get something on this matter in here, we could ask the county attorney to prepare it. If we couldn't get more than 4 or 5 votes here, and we're going to actually have to have 9, but if you couldn't get more than 4 or 5 you could put it on the list. I'm thinking out loud but I'm wondering if that might be a way to scratch the issue that Commissioner Mulroy mentioned, respond a little bit to your comment. I went thru the Charter at our last meeting and we've got some things in there that, we have a county Roads Superintendent

that's supposed to be, well I don't know if anyone knows who the Roads Superintendent is anymore. In the old days it was kind of important. It's not important anymore. We used to appoint the school superintendent. We don't do it anymore. The Charter didn't get corrected in that regard. We don't do this very often. You certainly wouldn't call us together for Charter Amendments to clean up little stuff like that, but I don't know why we wouldn't clean it up now. I'll stop right there but I do have 4, 5, 6 other things I'd like to suggest but I don't want to wear everybody out, and maybe this isn't the appropriate time. But maybe we should set up a scenario soon, very soon, to see if we've got 4 or 5 people we feel we need to fill in the blanks on and get it out there. Maybe 5 is not the right number, chairman, that's just discussion and not a motion.

LILLARD: Commissioner Ritz, if you would email those issues to Clay Perry, then we'll get them on the register for discussion. If anyone has an issue, get them to Clay Perry.
Commissioner Carpenter.

CARPENTER: I don't know if it relates to primary or secondary issues, but under primary issues it has the constitutional officers and then it says "elected" or "appointed county officers" – does that contemplate or imply that we would look at the duties as well, or would that be a secondary issue?

LILLARD: Anything that relates to the five affected offices would be considered a primary issue. That's just my thought and suggestion, subject to the will of the committee. And this little doodle out here about elected or appointed, the staff put that in there but it's not intended to be a limited sort of thing.

CARPENTER: So it's our intention to at least have some discussion about duties?

LILLARD: Right. That is correct. That would be part of it you know is to have discussion about that to the extent that anyone who brings it up or makes an issue.

MULROY: Thank you, chairman. I think that Commissioner Ritz and at least you and I may be working toward the same approach about what kind of filter we need for the register of secondary issues. I actually like the idea of requiring that there be some minimum number, probably more than 2, maybe something like 4, before we would pass the first filter. I am sort of analogizing I know Commissioner Lillard knows about in the Supreme Court when they try to screen what issues they take up and those they don't. They don't require that you get a majority of the court, but they require that you get at least 4 votes. That is what's considered something worth talking about, and then after it's debated and argued maybe it will get 5 or more votes. In the same way we ought to require that it at least has at least 4 before talking goes on. I was thinking that it would be an opt-in system where it wouldn't go on the list unless 4 of us agreed. Commissioner Lillard I think was maybe thinking of an opt-out system. If a citizen raises it, or anyone raises it, it goes on to the master list, then periodically we kind of weed out, separate the meat from the chef. I don't really much care what we do. The more I think about it maybe the opt-out maybe makes more sense, if we maybe do it periodically.

LILLARD: Can the chair explain why I proposed that? You are right to observe the things you have, Commissioner Mulroy. We would put it on the register, which would be posted on the web maybe every other day, with comments coming in, and we would also update our booklet not later than every week and a half or two weeks so the public could email commissioners and say "I really want you to act on secondary issue number 5" and that way commissioners can get input and afterwards at some point the committee defines. We'll have a vote to sort out which

issues stay. The reason I chose the opt-out is to allow the public to be involved in the process from the start.

MULROY: I think that makes a lot of sense. I'm convinced that if you know, if we have these meetings on a bi-weekly basis what we can just do is every time we have something that comes up it's on the website or it's available to the public, that gives a couple weeks for the constituents to come in, we take a vote, separate meat from chef, and after that meeting staff updates the register of issues. That sounds like a sensible procedure. Another thing, I mentioned this previously at the last committee meeting, I think this is a separate category what I'm calling clean up issues, issues that are technical in nature, where we go through the Charter and we realize "oh this is out of date" or "we no longer do it this way", we just sort of need to clean it up. I think they won't be controversial. A lot will be able to be on the ballot all at once and not separate issues because it's not likely the public will vote them down. Maybe we should even think about those things as being in a separate category. Technical clean up things that will not require a lot of debate, more draftsman issues for the lawyers to work on.

LILLARD: I'm going to ask the committee to consider this and then I'll recognize Commissioners Bunker and Brooks in a second, who are seeking recognition. I'm going to call on the audience in a minute, **but I'd like the committee to consider having a threshold of 4 votes to be required to remain on the list for public comments and public hearings.** That seems to be something suggested by a couple of commissioners; Commissioner Ritz said 4 or 5. Commissioner Bunker.

BUNKER: I'd actually written 4 commissioners as my number. I don't know if you cheated off my sheet or not (laughter) but I think if you can't get 4 interested, it doesn't have a prayer anyway. In emergency preparedness there was discussion by Commissioner Ritz about whether we should leave it on the list or not. I think we'd be remiss not to, especially in the environment we work in.

RITZ: I'll vote to take it off. It was only an idea, not built in.

BUNKER: I understand. I'm saying we're giving you support. But anyway the purpose of it as I understood it was to work on a chain of command issues in case of emergency, and also if the county building goes down where do people meet, what happens. I don't know if that falls under policies and procedures or laid out in the Charter, but it is certainly worth some discussion.

BROOKS: Commissioner Mulroy sort of mentioned what I had written down here, a special meeting for Charter cleanup or housekeeping. And I guess in keeping is just have a meeting to do that. I, like Commissioner Ritz, went through the Charter and found some things we can pull out, just some things that are outdated, old things that we could go through and clean up so we'd have a clean document to work from. We can just call a meeting of commissioners to do that. That's one of the first things we should do so we'll have a clean document to work from.

LILLARD: Do any members of the audience or elected officials have any comments on the matter before I seek a consensus from committee on this? **All right seeing none, the chair would propose that we have on the secondary issues register, in the manner described here, and the issues be put on the register in the manner that it's been described here in this discussion, periodically by staff, which would be frequently in my point. And the booklets would be updated frequently. That at a point determined by the committee, I guess we could do it at a later date after we get started into this, we would have a vote to opt-out on**

some of the issues. Those that cannot receive 4 votes, being the required number to keep an item on the list. Also we can establish a third category, Technical, that Commissioners Mulroy and Brooks spoke of.

BROOKS: Just for clarification I am looking at this as a two step process. The first step is to achieve 4 votes, to be in play.

LILLARD: Yes, to go to public comment or public hearing.

BROOKS: The next step is in order to come before us for a vote, then that would need 7 votes, right?

LILLARD: No ma'am. It could be any suggestion. We would in effect put on the committee's register any secondary issue that a member of the public sends in, a comment, or an item a public official sends in, or a commissioner suggestion, we would put virtually everything in unless the county attorney rules it is not proper, i.e. cannot be affected by amendment to the Charter. That would probably be the only grounds it would be excluded by staff. At that time we would take a quick vote, after a quick discussion, about whether or not we're going to keep a particular issue on the list and take it to public comment or public hearing. That's an undefined date as to when that will occur.

BROOKS: Ok that's after you've achieved 4 votes, then the next step would be public hearing. 4 votes to stay on for public hearing. I'm going to deviate. It's not arbitrary but I had written down 5 votes. But I'm willing to uh, I'm at the will of the committee.

MULROY: All I was going to do is to say since you were making the proposal, if you wanted to consider that a friendly amendment we could proceed.

LILLARD: Ok 5 is fine with the chair, if that's the will of the committee.

BUNKER: We're only talking about level of interest.

LILLARD: **Just talking about whether it goes to public comment or public hearing and continues on the register. Any objection to that procedure with the required number of votes being 5 votes? Seeing none. So ordered by the chair.** Ok let's go to the primary issues list.

RITZ: One more thing. It seems to me after we've been out on the street a while with this list that we're going to want to have the list below for Technical issues. But it seems to me then that the secondary list is going to have 2 pieces to it, the ones that receive 5 votes and those that are not. Wouldn't it be appropriate for the public to see as we move forward that these were adopted by 5 and these have not yet?

LILLARD: Well let me expand on that just a minute if I could. **The proposal was once an item has gone to a vote and failed to receive 5 votes, it goes away.** It doesn't mean a commissioner at any point can't move to consider this issue. But again, trying to put some structure to our situation with the public. I think one official comment *** was the public minutia, you know.

RITZ: You've thought it out. No problem.

LILLARD: Any other commissioners seeking recognition? Ok let's now discuss **the primary issues register**, and I want to discuss this separately because of the importance of it, it needs to be discussed separately. I open the floor for discussion on the issue of primary issues by saying we could begin by discussing using the same procedure we are using for secondary issues. However, I think there should be as a basic issue for each office the 3 alternatives that county attorney proposed to us in draft ordinances was informational, which was passed out at the last meeting. Sort of permanent alternatives that are on the register at all times, they would go to public comments and hearings, but would be 3 basic alternatives. Then there may be other things that would be added to the register like Commissioner Carpenter's question about duties. If he wants to talk about duties of each of the officers, then it would be added on the list. The same way we'd do it for the secondary register. The question is basically is there going to be a higher vote total in order to keep the issue on the primary issue register to the exclusion of the 3 that will always be on there. Or, is it something where more of those issues in some fashion would go to the public. I open the floor for discussion of the primary issue register. Commissioner Mulroy.

MULROY: I think you are right to distinguish the primary issues from the secondary issues. The secondary issues is a potentially infinite list of issues and we do need a screening process, a filter just so we don't get bogged down discussing every minor issue under the sun forever. So I would recommend the procedure in which it's always considered during this entire process available for comment, the issue of the 3 different alternatives with respect to each office, and with respect to any or all or to each individual office what the duties ought to be. If we just have an understanding that that's always going to be something that can be discussed by us and by the public, which makes the primary issues, is the best way to go forward.

LILLARD: Are you suggesting that we would add duties as a permanent issue. I'm not sure I fully understood.

MULROY: I suppose you could frame it that way although I wasn't really going for that formally. The main function of the primary issues are that it informs the public at the public hearing what we are going to take testimony on, and what can be discussed, and it also informs us what we're going to be debating. So with respect to both those issues, I think we just want to make it clear that all participants, both the public and ourselves as participants, when it comes time to talk primary issues we should be allowed to debate and discuss and consider any of the 3 alternatives with respect to any of the 5 offices. And with respect to those 5 offices we ought to be allowed to discuss and consider the duties. And it may be with respect to a particular one ... take the county clerk as a random example, there's no interest in discussing duties so it will never come up and that's fine, but it's the universal potential of things to come up for discussion at public hearings or among us.

LILLARD: Commissioner Mulroy's proposal is to have the 3 primary alternatives that were drafted by the county attorney as the primary issues, but also the duties of those officers as well.

BUNKER: I thought maybe if we talked about calling them charter officers as opposed to say, constitutional officers that would be a sub-issue anyway, so really would it be necessary to make duties one of the things to discuss? Or, if we're going to talk about charter officers, we could eliminate that for sure.

LILLARD: The chair could see some value in that. I'll recognize the county attorney for his comment.

KUHN: I noticed in our previous meetings that we may have had a semantics problem or something, and I may have caused part of it, but no matter what we do we aren't going to reconstitute the constitutional officers. They are not going to be in existence if we have a Charter. What we're really talking about is like Knox County did. They created a set of officers that mirrored the constitutional officers in name, made them elected, and gave them all the same duties and functions. But they were not constitutional officers any longer. That ain't going to happen. So, just to get the semantics right, you can recreate and mirror the same names and give all the duties of what other counties' constitutional officers have, but they are going to be charter officers. Either elected charter officers or appointed charter officers. The duties can be changed as you go through that.

BUNKER: That's a little different variation from what I heard in the first couple meetings, but I appreciate the clarification there. So since they are charter officers, whether they are elected or appointed, we can still by majority vote of the county commission adjust their duties later on?

KUHN: Well it depends what you put into the Charter provision itself. Like Knox County did, they reiterated in their Charter that they would have the same duties as the other constitutional officers. So they couldn't change them around. The state law made that difference. But you are going to have to address all the duties. One of the deficiencies of the Jordan case was that the duties were not addressed. So let's say you have an elected county sheriff and remove some of the duties of the county sheriff, you better move those duties somewhere else because if you leave those duties out, you'll have a deficiency.

BUNKER: In light of the comments by our esteemed attorney, I think duties should certainly be included.

10:31:45

LILLARD: Then to loosely describe, and I'll get the county attorney to help me with this, what you're really dealing with is establishing elected officials with the same duties as they have now (1 option under the charter), another option is to establish them as elected under the Charter with an altered set of duties as it can be done within the law and another alternative is an appointed official. Would that be the 3 types alternatives you are addressing in your drafted ordinances?

KUHN: Yes, providing you are elected in your just duties, or appointed in your just duties, do something with those duties you are adjusting to make sure they are all addressed at the end of the day by somebody.

LILLARD: So, the proposal on the floor is to have on the permanent register those alternatives I described plus those duties of each one of them. I'm going to Commissioner Avery, Ritz and Brooks for comment.

AVERY: Thank you Mr. Chairman. Actually Brian answered my question. I just wanted clarification on duties.

RITZ: The conversation is developing. Ha. It would therefore seem to me to be of advantage in the hearing process to have identification of the duties so that people on the street can understand. If you list 700 duties of the sheriff, because there are 700 references in the state constitution of laws, that's going to get a little ***. If you have "patrol the streets, serve

warrants," whatever those 15 or 20 basic things are, we ought to have something in our material about basic duties.

LILLARD: In our booklet, page 9, Duties of the Elected Officials as they are now undertaken and set out. The procedure I instructed our staff to do, and the county attorney is drafting those duties and they will be submitted to the elected official concerned for their review, approval and alteration. There may be a difference in view of what those duties are currently. Once that is agreed upon and dealt with, they will be put in the booklet and on the website, so it will be part of all of our materials. I call it a "green statement of duty" which I hope is where we're going to be on that point.

KUHN: As part of Commissioner Ritz's request, what we are using as a basic of that draft is the C-Task, Commissioner Ritz, the C-Task model of what the basic duties are. So like you say, it pretty much lists in basic terms what those duties are.

RITZ: I just think it should be as citizen friendly as possible because otherwise we are going to get bogged down.

LILLARD: We are asking county attorney to step out of attorney mode on that. Where are we on drafting that now?

KINARD: All five have been drafted. The sheriff, register and county clerk were emailed this morning. The sheriff has already approved his. None of them are over one page. The trustee's is being hand delivered to him this morning. Then after this meeting, the Assessor's summary will be emailed to her office today for her approval, and we have asked for her approval and comments by Friday of this week.

LILLARD: The chair would direct that you email the ones that are approved, and the future ones as they are approved to each of the commissioners with a request to supply any comments not about the substance of it, but if it has the appropriate layman's language. Then if it is approved or if there is no response within 48 hours to proceed with public hearings. Did that conclude your remarks, Commissioner Ritz? Ok Commissioner Brooks.

BROOKS: I think I just had a senile moment here.

LILLARD: Well we'll come back to you then. Are there any comments by any public official? Mayor McDonald is recognized.

McDONALD: Just a concern. I know when we had the constitutional issue for the state to change the \$50 fine that we can currently do as a municipality. We're limited to \$50 and it's been that way since the 1800's. That failed and I believe it failed primarily because it was too difficult to understand. The thing I'm concerned about is I have heard many of you mention in your discussions already is that what you are constructing will become so vast and so complex that the citizens of Shelby County will throw up their hands and say "no need for me to vote on that, I don't understand what they are saying." So I just caution you all as you go through this to be leery of what we put on our voters to try to consume and understand the impact on them. This secondary list is going to get huge. Ya'll have already recognized that. The technical corrections they probably will even cause some debate among this body. But the secondary one is going to be I think a monster, but that's your monster to deal with. Before we get to whatever point you are getting to for John and Jane Public out there to be able to vote and be comfortable that they

understood their vote, rather than just voting like Mayor McDonald or Commissioner Chism asked them to vote, is real important and I just wanted to state that out loud.

LILLARD: Good comment, mayor. If the monster can't get 5 votes, it won't be on the public deal they are after. Commissioner Chism.

CHISM: I thank Mayor McDonald for his comments. I think I mentioned this early on. I don't think we need to make this so complicated that the average voter won't understand it. I'm going to be intricately involved in this process in the end, but I just hope the citizens can get intricately involved in this process and what we're trying to do.

LILLARD: Any other comments from the public or officials present? Seeing none, then I think where we are is we've been discussing the Primary Issues Register and the fact that we would have on the permanent register as part of that, the 3 basic alternatives we discussed earlier, plus the duties of those offices, and I think one thing we need to discuss is any issues suggested beyond that permanent part of the Primary Issues Register, what level of vote would be required to send that to public comment or public hearing. We previously adopted 5 votes on the Secondary Issues. I'm not advocating one way or the other. I'm just asking commissioners or anyone who has any input on the level of vote required for items beyond those basic permanent items that were described a moment ago. Is there a will of the committee to do 5 votes like we did before? Commissioner Mulroy.

MULROY: No, I think what I was trying to suggest and maybe I don't understand it is the number is 0. We're just going to say incriminately with respect to the primary issues that at any time we can consider the 3 alternatives and the duties as it relates to any particular officer. It's always going to be on the table. To finally pass it will have to get 9 votes.

LILLARD: Let me raise a question for you. Under my description you would have the 3 basic alternatives that I enunciated earlier with the county attorney, plus the duties would go for public comment no matter what unless the committee changes it, and the duties would be on there. Suppose Commissioner Lillard submits a proposal or comment that we should have term limits for all of our 5 officials. That is not a duty. It is not necessarily part of the permanent register of Primary Issues that I described. The question is are we going to treat that differently in the sense that it has to get X number of votes to go to public comment. There are other examples that I could give.

MULROY: That's a good point and I understand your hypothetical now and it's a useful one to illustrate the point. I guess what I would say is that that would be considered properly classified as a secondary issue. So that anything outside what we just described – the duties and the 3 different alternatives for appointment or election for each of the 5 officers is on the Primary Issues list and that's an exhausted description of the Primary Issues list, and then anything else even if it relates to those individual officers, would be considered to be a Secondary Issue and subject to the 5 vote filter. I guess that's where I was coming from.

LILLARD: I'll note that the chair of the committee can under our rules of engagement debate that, so I'd like to say that was a good suggestion you had, Commissioner Mulroy. But, one reason we had it divided between a Primary Issues and Secondary Issues is again, the public's focus. To me, the public's focus should be on the Primary Issue Register primarily, and anything that affects that. i.e. If I were to propose term limits, that needs to be, to me, on the Primary Issue Register. I use the example of a permanent sub-part – those 3 alternatives the county attorney

came up with, plus duties as a permanent thing under the Primary Issues Register. The other one would be a provisional part of it, i.e. it would have to get X number of votes to go to comments. So my, what I proposed, my example of term limits would be a Primary Issue matter and would have to get 5 votes to go to public comments, but it's still part of the Primary Issues. You have to keep in mind as a former Election Commissioner I had a lot of experience printing notices for the public in the newspaper and everything, and there is an art to that whether you realize it or not, and you have to be able to tell the public what the main issues are and have them focus on that as opposed to the other little issues.

MULROY: I understand your point. It might be well taken. If we're going to add to the list of issues beyond what we just described. I'm not sure if we need to, but maybe you are right, maybe we do need to for purposes of addressing all the points about making sure the public understands what we are doing. To make a line between the smaller universe of things we're going to tell the public and emphasize and direct their attention to and then a longer list of others that we're going to emphasize less. If we're doing that, then I guess we will need a higher filter than 5. We're going to need a vote from this body that says not only are we willing to put this on the list and discuss it, but we think that it's among a handful of the most important issues we want to emphasize to the public, and that should be a higher bar I think. There should be some way of separating them. If we are going to proceed, then we should probably make it 7. That's just a thought.

BROOKS: Thank you, Chairman. I just want to agree. I think that my preference would be that anything related to the 5 different officers would be a Primary Issue, and I think your example about term limits was an excellent point. Anything that has to do with, whether it's a combination of or whether it's elected or appointed, or none of the above, or anything that attaches itself to these 5 officers should be a Primary Issue. I also agree with Mulroy that we should have a higher bar, higher than 5 votes. Because this is primarily why we're here. This is the primary issue, so I believe it should stay a primary issue and everything associated with it should be treated as such, and the bar should be raised.

BUNKER: We were talking so I didn't hear all the comments there, Commissioner Brooks may have covered it.

BROOKS: I did. (laughter).

BUNKER: I was just going to suggest maybe on the Primary Issues; I know the point was to keep the thing short, and if all commissioners would just be cognizant of that and not just loosely use their vote. I hate to go to 7 to get it on the Primary list because there may be some things you're just not sure about out there, and after you discuss it, it makes perfect sense. The term limit thing was a perfect example. I think the majority of us didn't see that coming until the chair brought that up. But it's something that I think we should stick with the 5 votes for the Primary List and the Secondary List as well. It would serve our purpose. I think if we used restraint, especially for that Primary List, I think it will be satisfactory.

RITZ: The comments by Commissioner Brooks raised a question in my mind, frankly, whether it should be a higher number. The issue of term limits could have a great deal to do with some of the choices that are made and the way people respond to them, although with an elected sheriff if he/she are term limited. If we appoint them, term limits don't make any difference.

LILLARD: Well they may or may not.

RITZ: Well you could appoint for a term. As a matter of fact, I worked in a county in Virginia before I came here 30 years ago, and our Assessor was appointed for a term by the commissioners, but that gave him or her an opportunity to work independently without being, whatever. The point is the issue of term limits could be so integral to people's comments that we ought not raise the bar too high because I think we want to keep it in the flow. I wouldn't want to take it off the list because it cannot get 7 votes, when in fact it can get 5 votes we need it. Are you with me? The issue is not going away. We'll hear about term limits to the last minute. But things like that we don't need to set too high a bar on with respect to where we're going.

LILLARD: I agree with some of the comments made. These matters are of utmost interest, which are the Primary Issues which is why they are separate in and of themselves, and I think that the bar should not be set higher than 5 votes, especially given the fact that we're submitting it to public comment and it can be eliminated at a later date. In other words, if we go through a public comment cycle and no one says anything about Issue X, or very few people do, or it's all negative about that issue, whatever the issue is, then the committee will probably have a series of votes after the public comment to begin narrowing down what the proposals are, and there is plenty of opportunity to do that at that point. I just think since we're dealing with 5 very important offices here that there should be a bar that is no higher than 5 votes with respect to the Primary Issues that go to the public. So, I just wanted to make those comments. Commissioner Avery.

EVERY: Thank you, Mr. Chairman. Just to piggyback on what you said, I agree that 5 votes are more than enough and quite frankly, when you are dealing with 13 county commissioners with Type A personalities, each and every one of them will probably have a different opinion, so you'll probably be lucky to get 5 votes. But I think that 5 votes is sufficient.

BROOKS: Thank you, Mr. Chairman and I'll be very brief. I'm going to retreat from my previous stance on raising the bar. Commissioner Ritz is actually right. I don't believe that we need to raise the bar, especially on a Primary Issue, which would be detrimental actually, that it wouldn't get through the filter. So, you are absolutely right, on one of those rare occasions.

MULROY: Thank you, Mr. Chairman, just a couple of quick points, so it's clear. I was not suggesting if the issue didn't get 7 votes then it couldn't be considered. 5 votes would be enough to get it on the list of Secondary Issues; but then to elevate it from the list of Secondary Issues up to Primary Issues you would need a higher bar, because we're trying to create some sort of higher standard for important issues that we really want to emphasize to the public. We are not going to mention the others because they are Secondary because we don't have the room and the public doesn't have the patience to have a description of 15 different issues, so we're going to pick the top 5 and call them Primary Issues. I wasn't trying to suggest that if it didn't get 5 votes it would drop off the face of the earth. 5 votes would be enough to have it continue to be debated. It still seems to me there needs to be some way of limiting the number of things to be put into the list of Primary Issues. Commissioner Bunker says that we ought to rely on our own self restraint. That although I may feel strongly about an issue and I want to make sure it gets the attention, I'm going to have to decide that it isn't one of the top 5 or 6 issues, so I'm not going to vote on it to be a Primary Issue, but I will vote for it to be a Secondary Issue. Well I might exercise that self restraint, but I might not, I'm not sure. I'm not sure we can all be trusted to do that because there's going to be a temptation. If it's all that important to me, I want it to be a Primary Issue. So, there's all this opposition to having the higher bar vote, even though it's understood that 5 votes gets it on the table, 7 votes to move it up to the Primary Issues list. So then a minimum I think

we ought to set a limit to the number of Primary Issues that we have. We can't have 20 Primary Issues. There are 5 of us at any given time that think this is really important, and then we end up having a proliferation of Primary Issues. I'm once again concerned about some of the comments we've heard before about issues, you know a proliferation of issues. So at a minimum I would suggest that it takes 5 votes to put it on the table, and also 5 votes to bump it up to that category of Primary Issues. If we're really going to do that we should set a limit, of maybe no more than 8 primary issues. And in order to bump it up to Primary Issue, we're going to have to take something out. There has to be some kind of mechanism to force restraints on ourselves I think.

LILLARD: Let me do a Mulroy before I recognize Commissioner Bunker on that. I think you and I need an individual colloquy to make sure we're on the same page. **What the chair is proposing in regard to the Primary Issues, Secondary Issues register and the Technical Issues register is that those are three different channels.** When a comment comes in, or a proposal comes in, it goes into one of those channels. It does not transfer between channels. In other words, if it's truly a technical matter, it always stays on the Technical Issues register and either gets eliminated at some point, or finally voted up. The same is true with respect to Secondary Issues that are not technical in nature but do not deal with Primary Issues. Primary Issues are those that deal directly with the 5 affected offices. So, what we'd be doing is, the chair's thought in terms of whether we have a consensus was, is that again within the Primary Issues register we have the three basic alternatives the county attorney outlined earlier, plus the duties of those offices. There would be 4 basic areas, and within that there would be a secondary list if you will, not secondary list but a further list that are ones that we would vote on prior to going to public hearing that are Primary Issue items, like term limits, or like anything else outside the 4 basic items that affects those offices, and they would always stay in that category. What we're discussing is what it takes as far as votes to keep things in the Primary Issue register that are not part of the 4 basic items that are a part of the permanent aspect of that. Term Limits is an example. That is not a permanent item within the Primary Issues register because it's not one of the 3 the alternatives the county attorney had plus the duties of each of the offices. What I was saying was you want to keep them separate because again, some members of the public are going to say "Just give me the nutshell of what's most important. I'm not going to spend an hour looking at all this stuff on this public notice we publish in a half page of the newspaper." So the committee may well at the end, subject to the committee's will, publish a list of issues at the time we go to public hearing that says not only where the hearings are going to be held, but here are the Primary Issues and here are the Secondary Issues, separated out so people can look at it and determine how deep they want to get into it. But the question is whether something requires 5 votes or 7 votes to stay within the Primary Issue category as an issue that is not part of the 4 permanent items that will be in there.

MULROY: The problem I have is, that there could be issues that are so fundamental that need to be in the nutshell that have nothing to do with the 5 officers. Someone could propose elimination of partisan elections for county commission, to throw something out, right. That's going to be important enough that it needs to be in the nutshell. But it's got nothing to do with the 5 constitutional officers. But on the other hand, you could have something that relates to the 5 constitutional officers that doesn't deserve to be in the nutshell because it's trivial. I don't know, something like proposals that all 5 constitutional officers have to file bi-weekly reports on something. Whatever. You don't want that in the nutshell. You don't want to waste the public's time with that. But it does theoretically relate to the 5 officers. You can't just use any relation to the 5 officers as being the line between what goes in the nutshell and what can't.

LILLARD: Let me suggest this and that's a good and valid point you've made. I think we just need to have a sort of asterisk procedure on that. For instance primaries couldn't be considered, of course county attorney can say what he feels on this, but that's a matter of state law. But if there is something like that that comes in, then we as a committee would take that up about where it needs to be. I would propose we deal with those key issues on an ad hoc basis as they come in and get categorized. So we're really talking about how to deal with the vast majority of comments that are made, which the staff and the county attorney can route into the proper category I think. If you and I could agree on that, and if something comes in of the nature of the order of importance of eliminating partisan primaries, let's say we could do that, then I agree that's an ad hoc item that we need to look at, but we can determine that at the time.

Commissioner Brooks asked me to announce that her Purchasing Subcommittee will convene at 12:45 today. We've gone over here on this committee and she's got an appointment that she must make. So, Mr. County Attorney, do I need to convene her committee and recess it to that time for sunshine purposes or what?

KUHN: I think that announcement will be sufficient.

LILLARD: All right. I'm announcing that the committee on Purchasing Procedures will be convened at 12:45 p.m. today and recessed from its earlier published time of 10:30 a.m.

BUNKER: I just wanted to add that the thing that we risk with having 5 votes as opposed to 7 is that we might have too many issues on our Primary list. The thing that we risk if we go to 7 instead of remaining at 5 is that something that could turn out to be very important could be left off. I think it's a much higher risk to raise the standard, the standard proposes a much higher risk if you will. You know this document and this committee are both adjustable as we go along. It's the, it should be under the chair's authority if he sees a problem arising it's his duty to run this thing as effectively and efficiently as he possibly can. So if he sees something arising as a problem he can adjust it. One of the things we may want to consider down the road, if it is going to make the Primary list and the chair doesn't want to add it to the Primary list, then it would take a 7 vote majority to override the chair's decision to take it off the list or something, some variable like that. I don't know if we can do that in this ad hoc.

LILLARD: The chair really doesn't want to get into the matter of unilaterally subtracting things...that's a pretty weighty responsibility.

BUNKER: I understand. But, what we risk leaving it at 5 votes is too many items, which we can adjust for later. What we risk by raising the standard to 7 is possibly not hearing something and it's very important in going thru this Charter and proceedings.

LILLARD: Are there any comments from any member of the public or any elected official? Mayor McDonald is recognized.

McDONALD: Thank you for your patience. A question for future discussion is how many referendum items will there be, or do you know that yet? It seems to me that you cannot deal with this number in one single referendum. It sounds more like the California model where there are different positions and each one of those gets voted on individually. And I just wonder if that has been part of your discussion yet.

LILLARD: Mayor, the chair will suggest an answer to that with other commissioners to join in. We don't know yet how many items will be on the referendum, and really what I'm trying to focus on right now is how we channel things down in a limited fashion for public comment, and then beyond that at a future date as to a procedure that we actually begin to go forward and determine how many items are actually on the ballot. That may depend ultimately on advice we get from the county attorney or the coordinator of elections about how the ballot would be structured from our Election Commission. We don't know yet. We're beginning the process and your point is well taken. So now what we are focusing on now is the public comment process. Any other comments from the public or any officials present?

So the chair is going to seek consensus on the issue of having a Primary Issues register concerning the Sheriff, the Trustee, the Register, the County Clerk and the Assessor. There would be 4 permanent items on the Primary Issues register that are not subject to a committee vote, at least during the public comment period and public hearings, and that would be the 3 alternatives outlined by the county attorney and as I said earlier, colloquy and also the duties of each of those offices, and that within the Primary Issues register there would be a provisional list that concerns primary issues that would deal with other issues beyond those that are permanent. Example discussed in committee was Term Limits. There could be many others that would be on that provisional list within Primary Issues. In order to stay on the provisional portion of the Primary list and at some point we would vote on that and require 5 aye votes to stay on that list. It's an opt-out procedure as was outlined previously. So that's the proposal. Is there any further discussion on that proposal?

MULROY: How does it get onto the Primary list to begin with? Do we opt-out for this?

LILLARD: The staff would, the county attorney would I guess in consultation with the chair put it on the list on a tentative basis. At any point the committee itself by majority vote can override that determination and change things if they want to. Obviously none of this is set in stone, but again I hope this is a procedure that we will try to uniformly follow.

MULROY: So it takes a majority of the committee to get it onto the Primary List if the chair doesn't put it there, but it takes only 5 of us to opt it out of the Primary List once it's there.

LILLARD: You could change that. I would hope that would be a pretty rare occurrence. Any further discussion on that matter? Seeing none, without objection that procedure will be adopted with respect to the Primary Issue list. Seeing no objection, so ordered by the chair.

Let us quickly go through one other thing. I know everyone's probably tired but we are doing some valuable and hopefully productive work here. **The other thing is the Public Hearings themselves, the schedule of Public Hearings, the locations and the structure of the Public Hearings.** We have various letters that have been passed out to you from the Sheriff's office, the Trustee's office, the City of Lakeland, and I believe that's what we have right now as far as the public comments that have been written. If you'll look at just an example with respect to how many and location of public hearings. The Sheriff in his letter on the last page of it, starting on the next to last page, he has a bullet point of public hearings here where he feels there will be multiple public hearings that are extensive. At the top of the last page of his letter, he suggests that locations should reach out to Arlington, Bartlett, Collierville, Cordova, Downtown, East Memphis, Germantown, Lakeland, Midtown, Millington, Southeast Memphis, and Whitehaven. Those are simply his suggestions. I will open the floor for discussion about where we should have public hearings or some criteria for them.

I agree that we ought to have public hearings in every part of the county. I counted earlier and he had about 12 location suggestions. We had about 8 or 9 public hearings on the Juvenile Court matter, so 12-15 is not an unreasonable number, and this is obviously equally as important if not of greater importance.

AVERY: Mr. Chairman I would think we would probably want to have those meetings after the first of the year. We're getting into the holidays, people are busy, and I think they would be well attended if we waited until mid or the latter part of January.

LILLARD: All right. Any other comments? I would suggest, if you'll look at the calendar, I believe **the county attorney has previously advised us that we need to have something adopted by the full commission by ordinance which requires 3 readings by the end of May.**

KUHN: Yes at the very latest the end of May. I thought we talked about the end of April to mid-May.

LILLARD: If you're talking about having 12 public hearings you'd have to start right after the first of the year, not at the end of January, and you'd have to have at least one a week, so you're talking January, February, March – that's 12 weeks basically, 4 weeks in a month times 3, so you may have to have more than one per week if you just did 12-15.

AVERY: Well we'll just knock off our public appearances.

GIBSON: I don't think 12 is necessary. How about 8?

RITZ: I was going to suggest, too, that they ought to be somewhat spread to where people are. We have 2 issues there. One we have a concentration of people who live in the city, and then two, your district (four) is sort of a, well physically is bigger although it may have no more people than the other districts. Maybe a couple of hearings out in the burbs, maybe district four, and the other six meetings could follow what Commissioner Gibson said, literally in the city of Memphis but spread around so they cover all parts of the city, fairly representing across the rest of the city. That's probably a fair division, probably more than a fair division of 8 meetings in the suburbs because I don't believe 25% of the people live in the burbs. It's more like 18%. I don't know what Commissioner Gibson had in mind.

LILLARD: If the chair could interject, I think you are right to say looking at the % of the population is an issue. We ran into this in elections because if you locate the polls based on the population, and it's one thing, one allocation. On the other hand, say that only 2 hearings would be held in Commission District Four and you get one in Millington which is way up in the northwestern part of the county on the Mississippi River effectively, and the other one in Collierville, then where does that leave people in Bartlett? Distance being a factor is my point you know. Even in commission districts, even the ones in Memphis are huge. Then you take Commissioner Gibson's northern commission district it's a long huge district. Your district, district one, runs from Central Gardens in Midtown and runs all the way out to Cordova out to Berryhill Road. And if you only had two hearings for your district, it would be hard to say that you covered it geographically from a driving distance. People from Central Gardens don't normally take the time to drive even for shopping all the way out to Cordova vs. an item that they may or may not have a burning interest in, the county Charter. I just wonder if we shouldn't reach and try to do 12 public hearings. Even if we don't have all commissioners present, we will

be recording each meeting. Part of this is to take public comment that makes a record, and I'm considering whether we need a court reporter to type this up so that it is available for commissioners and other interested people to look at. In other words, it's kind of like having a court where you have 5 judges but only 3 are required to make a decision. Sometimes the judges take testimony to be part of the permanent record that is not physically heard by all the judges, but it is part of the record for all to review.

RITZ: The sheriff's list was so heavily suburban oriented that it's not a fair 12 to the city, it's not even close to fair. If we want to meet once a week for 12 weeks, I'll do my best to be there. It's probably easiest for me to do it than anybody because I don't have a job. Neither does Commissioner Avery. But I think it would look better for the commission, the commissioners if we could work a situation more like what Commissioner Gibson said, 8 or 9. Use 8 where we could meet every 10 days or so where most of the commissioners could be there. If you were to say, there are 13 commissioners, if we have 13 meetings and spread them around 3 per district except Commissioner Mulroy gets one because he's got a district 1/3 the size of the rest of the districts. I think 12/13 is just too many. I'll attend everything ya'll set, but I think quite frankly the media will probably be covering these things. Our computer site will be covering the materials. After every meeting someone can go and add to the Secondary Issues list. I suspect we're going to have people where the same person is going to want to come to every meeting to speak. We need to probably have some rules about that. There will be some people in my opinion who will try to control the conversation. This is a very emotional subject for some people and we could have one guy show up who wants to speak every time.

LILLARD: I doubt the chair would allow that.

RITZ: I would hope the chair would not allow that. Once we recognize who he or she is, we can move on, but I attended 7 of the 9 meetings on Juvenile Court and I don't think we had one in the suburbs. The people who were very involved in those issues showed up. They weren't the most convenient areas to get to. I had to get my GPS out to find some of them. I don't know. I'm rambling, thinking, talking, I should stop. But 12 meetings is way too many, Mr. Chairman, I think.

LILLARD: Well, on the face of it if the committee wants to consider it further. I disagree with you to some extent, Commissioner Ritz, because it's important for citizens everywhere in the county to feel like they have an opportunity to be heard. I don't disagree with your assertion. The sheriff's list I was reading as an example. It's not something I'd endorse. For example, he has Lakeland on there as a special hearing site. You could have a hearing in Bartlett that covers Lakeland and Arlington and Bartlett as well. Bartlett has a nice mayor and alderman room we can use and that sort of thing. That's just an example. But it's important at the end of the day that we reach out to people everywhere and that includes all over Memphis. As Election Commissioner I went everywhere in this county to all 300 precincts so I'm familiar with all of them. And I think that even if it turns out, again I'd hope that every commissioner will try to participate in every meeting, but I couldn't participate in all the Juvenile Court meetings. I made a majority of them but I didn't make all of them because I had conflicts. But on the other hand I was able to get the records to some degree on them and look at that and all that to see what the drift of public opinion was. So we might, as I said, even if we don't have every commissioner there, where the public is not feeling they had an opportunity to speak, transcribe their remarks most likely, and have available to commissioners and others.

Let me recognize Commissioner Gibson, and then we'll go to the public and the elected officials.

GIBSON: I'm trying to understand what your wishes are for procedures. On the other issues discussed thus far, I haven't got any objections to your thoughts. Here there is clearly a difference. How do you want us to move forward on this? Do you want us to go ahead and submit a motion and vote on it?

LILLARD: There are two alternatives. We can make a motion, or we could wait until a later date to wait on more commissioners. We had a loss of committee members today and everything, so it just depends on how ya'll would like to proceed. The chair is willing to entertain a motion from anyone on any issue, but it's up to the members whether you want to proceed today on this issue or if you want to wait. We have one, two, three, four commissioners

VERY: Chairman, I make a motion that we wait for more committee members before we vote on this issue.

LILLARD: Commissioner Avery has made a motion to that effect. Is there a second to this motion? Chair seconds her motion. All those in favor signify by saying aye. Those opposed? The ayes have it. This matter will be deferred to another meeting of the committee.

I urge us to think about this. Obviously it's an issue of great importance as we're having some debate here. **The structure of the meetings and where they're held**, if you think about it we're kind of down to two dichotomies. One is, is it a deal where we go out, even if we don't have all commissioners present, we obviously urge everyone to be there, but we're taking a record of this proceeding for commissioners to look at it. Or, on the other hand, do we more restrict the number of meetings and try to have every commissioner there, which we're not going to achieve, even if we only have 8 meetings. Like the Juvenile Court thing like I said, I really tried to be at every meeting but I only made 5 at best of those meetings. I was out of town one time and had a law conflict for two of them. So, you know I really, really tried hard and other members did, too. I can't remember us having all commissioners at the Juvenile Court thing, although that was of vast importance itself. So that's the reason I kind of tend toward the business of having a reasonable number of expansive hearings but keep the fact that we are looking at it to make a record as we go. Mr. Mayor, Keith McDonald of Bartlett, seeking recognition.

McDONALD: I agree with you that the Juvenile Court hearings were not fair to the communities because there was not any held out there. But that being said, geographically Bartlett is the geographical center of all of Shelby County. We've had some discussion among suburban mayors. I think if you had one in Millington, and that's not just for Millington people. I would take issue with you on the number of percentage of voters. In Shelby County I believe we have more than the 25% of total voters outside the city of Memphis, because you have all the unincorporated areas in addition to the municipalities, and I believe we're getting around 300,000 with Memphis having 690,000 so if I do my math very quickly I believe that is more than 25% out in the non-Memphis portion of Shelby County. That being said, we have had some discussions. So perhaps for the sake of those in unincorporated as well as the municipality of Millington, if you have one there, one in either Germantown or Collierville, then those in that southeast area of unincorporated that's right there, that's a fairly centralized location. Then we thought between Bartlett, Arlington and Lakeland just because as you mentioned a place where you can eat. We have a facility where we can go down to the Bartlett Municipal Center and seat

600 people if we needed to. So we have the facility available. I really think in terms of geography as you all reconsider that, that you might consider 3 out in the suburban and non incorporated areas as a point of consideration. We also have 10 miles of common border with Memphis so the Bartlett location I assure you will not just be suburban folks. There will be a lot of folks from Raleigh or Berclair and we've found it to be a very convenient place for them to come to talk about these very issues. And that's just food for thought.

LILLARD: What we might consider, too, is trying to use, I thought about this in terms of location and we'll take it up another day, but we have **18 early voting sites** around the county that the Election Commission uses and they are not always, but historically they are usually at the same place. Like Bartlett's used to be at Bartlett Methodist Church. I don't know if it's still there in Bartlett or not.

McDONALD: That's right next door to the old jail.

LILLARD: They are kind of geographically disbursed throughout the county. I'm not advocating 18 hearings, but they are set out by distance, so distance is a criteria and not just the number of voters, so we may try to use some of those early voting sites as hearing locations because registered voters are familiar with where they are. They have voted there before. Better than half of all the people who vote, vote early. Commissioner Ritz is recognized.

RITZ: I was just going to suggest following up on the mayor's comments. In keeping with the motion that passed, **why doesn't the chairman prepare a draft list of locations** and send it to the committee in anticipation of the next meeting. We can follow up with this because quite frankly, that may be as important as anything.

GIBSON: I think it's two separate matters. If you want to do that, I don't have a problem with it, Mr. Chairman, but do it on a scenario of both scenes.

LILLARD: Ok, I'll do both scenarios. Or I won't do it at all. Whatever you say. I'm fluid. I'm trying to control the proceedings. **Ok 8 and 12. I'll have a proposal.** You know one thing I had thought about doing is trying to have a brief committee meeting during the regular committee cycle next week in order to deal with this issue, because we need to move on with this process, even in terms of getting ourselves ready for public hearings. We've done a lot of work already. I appreciate the members today. We did a lot of work today and got through a lot of stuff here today and we kind of have a framework of what we need to do. So I appreciate your work.

AVERY: Chairman, as you are looking at locations, especially for the downtown area, possibly the Main Library, the Benjamin Hooks Library. That would be an excellent place and I think everyone is aware of its location.

LILLARD: The chair will look at the 8 and 12 scenario and come up with a proposed list here. And I'll consult with Commissioner Gibson probably about the 8 list. (laughter) Ok one thing I have an announcement about is the staff has asked me to announce that Commissioner Carpenter is cancelling the meeting of the Task Force to discuss the viability of the Shelby County Family Court which was scheduled for 5:30 pm today in the mayor's 8th floor large conference room. That meeting has been cancelled at the request of Commissioner Carpenter. He does not have a reschedule date but it will be publicly sunshined when it's known. Anything else on the Charter Committee to be considered? If not, this meeting stands adjourned.

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