

RESOLUTION ESTABLISHING A METROPOLITAN GOVERNMENT CHARTER COMMISSION, AUTHORIZING THE MAYOR TO APPOINT MEMBERS; ESTABLISHING A VETTING PROCESS; REQUESTING THE COUNTY COMMISSION ADOPT A SIMILAR RESOLUTION; AMENDING THE FY2022 OPERATING BUDGET; AND APPROPRIATING FUNDS

WHEREAS, the citizens of Shelby County and the City of Memphis are demanding a more effective, efficient, and streamlined government that prepares and positions Memphis and Shelby County to address the current economic crisis and the increasing competition for new jobs and economic expansion; and

WHEREAS, Tennessee Code Annotated Section 7-2-101 et seq. allows for the merger of Shelby County Government with City of Memphis Government if approved by a majority of the voters of Memphis in a referendum and a majority of the voters of Shelby County outside Memphis in a separate referendum held on the same day; and

WHEREAS, Tennessee Code Annotated Section 7-2-101 et seq. provides the vehicle for Memphis and Shelby County to build a new government from the ground up, a new government that is simpler, more understandable, more responsive, and more accountable; and

WHEREAS, Tennessee Code Annotated Section 7-2-101 et seq. provides for the formation of a metropolitan government charter commission to prepare a vision for a new merged government known in the general law as a metropolitan form of government; and

WHEREAS, an efficient new government gives Memphis and Shelby County a fresh start and eliminates bureaucracy, because every dollar spent on duplication and fragmentation is a dollar that can't be spent educating a child, protecting neighborhoods, and strengthening families; and

WHEREAS, a new government can eliminate the cumbersome red tape that results in lost opportunities for new jobs and economic growth; and

WHEREAS, the Memphis and Shelby County Charter Commission will be charged with creating a new government that has the capacity and authority to develop programs to make our community safer, to revitalize our neighborhoods, to fight corruption, and to create jobs that will keep our young adults here; and

WHEREAS, Memphis and Shelby County is being outpaced by peer cities like Nashville, Indianapolis, Jacksonville, and Louisville, whose merged governments can act more entrepreneurially and make decisions more quickly, but most importantly, act with one vision that promotes unity for the future; and

WHEREAS, Memphis and Shelby County have two large governments doing the job of one and doing nothing is not an option in the face of the historic challenges confronting our community; and

WHEREAS, the people of Memphis and Shelby County are anxious to have a voice in how their government is run and they deserve the right to vote on their government's future; and

WHEREAS, because state law provides that the County Mayor will appoint ten members and the City Mayor will appoint five members to the metropolitan government

charter commission, it is the desire of the City Council that the vetting process for selecting members include, but not be limited to, the receipt of an application by the County and City Mayors for their respective nominees and an interview of the nominees by the respective legislative bodies; and

WHEREAS, the separate appointments by the City Mayor and the County Mayor shall be made and confirmed within thirty (30) days after the consolidation resolution is submitted to their respective governing bodies for adoption; and

WHEREAS, the resolutions appointing the City Mayor's nominees should authorize a majority of the members of the metropolitan government charter commission to defer its organizational meeting until November 1, 2021 which would require the metropolitan government charter commission perform its work between November 1, 2021 and August 1, 2022 in accordance with state law; and

WHEREAS, it is also the desire of the City Council that the proposed charter be filed not less than 80 days nor more than 100 days before the November 1, 2022 statewide election and, to ensure that the proposed charter is filed during that time period; and

WHEREAS, the actions and final conclusions of such a commission should be subject to absolute transparency and full disclosure of all changes and ramifications of the passage of such document and the members of the metropolitan government charter commission shall appear before the Memphis City Council prior to any final vote of the metropolitan government charter commission for the purpose of educating the public and answering questions regarding the proposed charter; and

WHEREAS, it is further the desire of the City Council that the resolution appointing members to the metropolitan government charter commission direct said members to file the proposed charter on August 1, 2022; and

WHEREAS, Tennessee Code Annotated Section 7-2-104 requires that whenever a metropolitan government charter commission is formed, it is the duty of the legislative body of the county to appropriate at least twenty-five thousand dollars (\$25,000.00), but not more than fifty thousand dollars (\$50,000.00), to defray the expenses of the charter commission, which will require an amendment to the county general fund budget; and

WHEREAS, funds should be transferred to an account that will be utilized for the expenses of the metropolitan charter commission created herein.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that the Memphis and Shelby County Charter Commission is hereby established pursuant to Tennessee Code Annotated, Title 7, Chapter 2, to propose to the voters of the City of Memphis and Shelby County the merger of the governmental and corporate functions of the City of Memphis and Shelby County, and the creation of a new metropolitan government that responds to the needs of the community in its services and vision.

BE IT FURTHER RESOLVED, that the Mayor of City of Memphis is hereby authorized to nominate for appointment five (5) members of the metropolitan government charter commission, and to present all nominees, together with biographical and background information about each nominee, to the members of the Council's Personnel, Intergovernmental

and Annexation Committee for an interview within twenty-one (21) days after this resolution was presented to the Council for adoption at one of its regular meetings;

BE IT FURTHER RESOLVED, that the Mayor of Memphis is hereby authorized to appoint persons to the metropolitan government charter commission who are broadly representative of Memphis in accordance with state law.

BE IT FURTHER RESOLVED, that the City Council shall vote to confirm the City Mayor's nominees within thirty (30) days after this resolution was presented to the Council for adoption at one of its regular meetings;

BE IT FURTHER RESOLVED, that the metropolitan government charter commission shall perform its work in the manner established by general state law and the resolution appointing its members.

BE IT FURTHER RESOLVED, that members of the metropolitan government charter commission shall not receive per diem or other compensation for their services, except reimbursement of actual expenses incurred by members in carrying out their duties as members of the metropolitan government charter commission.

BE IT FURTHER RESOLVED, that the FY2022 Operating Budget is hereby amended to establish a line item budget of \$50,000 for the Memphis and Shelby County Charter Commission and said funds are hereby appropriated.

BE IT FURTHER RESOLVED that:

1. This resolution shall take effect upon approval of a substantially similar resolution by the Board of County Commissioners of Shelby County, Tennessee, or upon its approval, whichever occurs last, the public welfare requiring it.
2. Certified copies of this resolution shall be sent by Council Records to the Mayor and Clerk of Shelby County and to the Mayors and Clerks of the Cities and Towns of Memphis, Arlington, Bartlett, Collierville, Germantown, Lakeland and Millington respectively.
3. The Council Staff is authorized to provide information and assistance to the staff of Board of Commissioner, if requested, regarding the consolidation process, including a propose form of resolution.

SPONSOR:

FRANK COLVETT, JR.
CHAIRMAN