

LEGAL AND LEGISLATIVE COMMITTEE

March 30, 2010

5:00 P.M.

Councilman Murphy, Chairman, called the meeting of the Legal and Legislative Committee to order with Councilmen Gilbert, Rico, Benson, Berz, Ladd, Scott and McGary present. City Attorney Michael McMahan and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dan Johnson, Daisy Madison, and Chief Rawlston.

Chairman Murphy turned the meeting over to Councilman McGary.

Councilman McGary stated that the issue today, as indicated in e-mails, was not just “spurred” by himself; that there had been many slaps on the back; that he had heard comments that this Council was a very intelligent and thought-provoking Council, and we need to be thoughtful in the way that we choose our leaders; that he had spoken to Councilman Murphy and Councilwoman Berz about what it means to be a leader of the City Council and anyone who has a desire should answer two questions—Why? and What they could bring to the table? He stated that we needed to talk about this openly.

Chairman Murphy asked if there were any objections to this outline—there being none, the meeting proceeded.

Councilman Rico stated that we needed to be careful about “slaps on the back”—that this is a good Council and that he was running for Chairman; that this is a good Council, and he would not engage in a lot of rhetoric; that he would not be doing any more than he had done for the last five years; that he was willing to do anything that he could for the City; that he had the time to give, where others don’t—that he was flexible and his family was able to run his business, which made him available. He stated that was his story, and he was sticking to it!

Chairman Murphy noted that he did not answer the question of Why?

Councilman Rico, jokingly said—the extra money!

Councilwoman Scott stated that she would like to add another question to be answered to the list—What would you do differently next year?

Councilman Rico responded that he was not a community organizer; that he would conduct our meetings and would not try to “reinvent the wheel”; that he would be a good Chairman and would work with the Mayor and his Staff; that this was not “rocket science” folks—that he would not be changing everything.

Councilman McGary stated that he appreciated Councilman Rico volunteering for leadership; however Councilman Rico had said that the “Buck stops with Administration: and Councilman Benson disagreed, saying that the “Buck stops with us”. He questioned if Councilman Rico would pit us against Administration as a leader in certain situations.

Councilman Rico stated that he would not make the rules for the Council; that he would work with the Mayor and not against him, which he thought would make for a better City; that he had experience as a Councilman; that he had lived a long time and seen a lot and could make good decisions.

Councilman Gilbert agreed that we needed to work as a team—Administration and the Council, to make a better City; that we have not “fell out” with Administration; that we can disagree and not fall out and keep things going great; that the question is “Who is the person to direct us?” He stated that this direction will go further than last year; that each year we need to do more in regards to the Arts and Public Works—that we need to do a great job.

Councilwoman Berz stated that she was running as Vice-Chairman; that she had experience, maybe not as much as Councilman Rico and Councilman Benson, but she could bring her experience to the table; that she had worked with Councilman Rico before and that they complemented each other; that she was working on the Budget and would bring a different aspect to the team. She stated as to what she would do differently—there would be more collegiality, talk and differences aired in the sunshine; that we had a great discussion earlier and were having a discussion now; that her colleagues were bright and she had great respect for them; that she wanted everyone to be collegial and not adversarial; that we should have checks and balances with Administration and not be adversarial and come up with the best decisions possible; that with Chattanooga growing and changing, it ill affords us to do business as usual; that we need to be more sophisticated. She went on to say that a while back we talked about the Council agenda, and we had not left time in meetings to talk about the Council agenda; that we just react to Administration’s agenda and had left out the other side of the equation. She stated that we need to change the agenda, and it is time for our own agenda with transparency. She stated that she had been invited to speak at the Ochs Center, and her speech was about transparency; that we should not be afraid of transparency; that reasonable people can disagree; that we need to be more transparent; that Administration had agreed to transparency and respected this aspect.

Councilman Murphy stated that one of the reasons why we react is that the Mayor has 2500 people working for him and the Council only has four; that we can't match him and are trying to run a co-existent branch of government.

Councilwoman Berz stated that we are separate and not equal; that we don't have a research staff; that we have a wonderful staff but the table is not balanced; that this is a most diverse and thoughtful group, and she respected the Council and that the Council should have all the resources that it needs.

Councilman McGary stated that he did not want to be adversarial; that he had heard Councilwoman Berz mention this; that we were a separate branch of government with separate powers—that we were not adversarial; that the history of this Council since 1990 had been the question of what does this mean? Is it the Council's role to be a “rubber stamp” to the Mayor? He reiterated that we don't want to be adversarial but the statement that the “Buck stops with Administration” did not ring true to him; that the dialog we need does not opine for the “Buck to stop with Administration” but both of these bodies; that working together we recognize two distinct bodies and the “Buck stops with Administration” is not true cooperation.

Councilman Rico clarified that he was talking about the Police Chief situation and working with the Mayor on this.

Councilman Murphy clarified that the Chief works at the will of the Mayor with a majority vote of the Council.

Councilman Rico responded that if the Chief is not doing an adequate job, the Council could go to the Mayor; however the Mayor is accountable for the people working under him.

Councilman Benson stated that he had been too reticent to recognize the authority that the public wants the Council to accept; that when Bob Corker was Mayor, anything he decided to do, we were in a hurry to do, and we made some bad mistakes and were still paying for one, and it was a shame that the Council did not assert their authority and step out; that if a person does not want to do anything, being a Councilperson can be an easy job, but we have a responsibility to the taxpayers and voters who elected us as legislators, which is part of checks and balances; that anyone who is running needs to get themselves down here and work.

He went on to say that the Council has to approve appointments, mentioning one appointment that the Council did not approve, and this person's term had expired, and he was staying on with the understanding that this was okay until the Mayor reappoints someone; that the Council did not want this person back, but he is still serving. He stated that this was from Councilwoman Berz' district, and she needed to be on top of this. She stated that she was.

Councilman Benson went on to say that when Mayor Littlefield was on the Council that he complained about Bob Corker and the fact that the Council would not assert itself; that he (Councilman Benson) and Councilman Pierce just took it and were not fulfilling their responsibility.

Councilman McGary stated that he really thought this Council was making great strides in being accountable to the people who elected us; that we were not accountable to the Mayor; that the Council as a body has certain responsibilities, and it is truly checks and balances—that it is not an adversarial role—just different. He stated that it starts with our agenda, and he could not understand why Chief Johnson facilitates our agenda meetings.

Councilman Benson explained that Linda Bennett started this; that Mr. Johnson did not want to do this.

Councilman Murphy stated that we were going to agree with the Mayor about 97% of the time; that the other 3%, we have to get our “backs” up and tell the Mayor “no”; that the Mayor can “twist your arm”.

Councilwoman Berz responded that she had never had her “arm twisted”—that maybe it was because she was a kick boxer! She mentioned that she would have the Budget next week for perusal, and we could take five weeks; that an organization is known by its Budget, and we needed to be pro-active rather than re-active; that the Audit Committee meets regularly, and we are getting the “Whistle Blower” protection Ordinance, and the Audit Committee has been looking at PILOTS; that they have a lot of concerns, and they have been attended to—that Budget and Finance and the Audit had been attended to. She thanked everyone for their e-mails in going forward. She stated that a lot of work had been going on to meet the needs that we have identified.

At this point Councilman Gilbert asked who was running for Chairman other than Councilman Rico?

Chairman Murphy stated that Councilwoman Robinson was also running for Vice-Chairman, with Councilman Gilbert noting that we have two members running for Vice-Chairman.

Councilman Benson stated that this Council had asserted themselves more than any other Council and had not been antagonistic nor hurt friendships; that they had exercised their responsibility by far more than any other Council. He advised that “Pork” stuff could pressure Councilmembers.

Councilwoman Scott responded that she had not heard anything about “Pork” nor had she sniffed it!

Councilman Benson stated that the Mayor has a lot of power by the use of “Pork”.

At this point, Councilwoman Ladd thanked Councilman Benson for his leadership; that with all of the new faces on the Council, they needed him.

Councilman Benson stated that it had been like “herding feral cats”, but it had been good.

Councilwoman Ladd stated that there were a lot of new faces and Councilman Benson had broken them in and his door was always open, and she appreciated this; that our leadership needed to be professional and polite, like Councilman Benson had been; that she would like to see someone in leadership as diplomatic as Councilman Benson. (Councilman Rico jokingly stated that he could be more diplomatic than Councilman Benson).

On motion of Councilman McGary, seconded by Councilwoman Ladd, the minutes of the previous meeting were approved as published.

The meeting adjourned at 5:30 p.m.