

**LEGAL, LEGISLATIVE AND SAFETY COMMITTEE**  
**AUGUST 9, 2011**  
**4:30 P.M .**

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

Others present included Dan Johnson, Richard Beeland, Johnny Feagans, Vickie Haley, Larry Zehnder, and Chief Parker. Valarie Maleug joined the meeting later.

**On motion of Councilman Gilbert, seconded by Councilman Rico, the minutes of the previous meeting were approved as published.**

**LIBRARY BOARD**

Chairman Murphy indicated that Councilwoman Scott wanted to talk about the Library Board.

She stated that she wanted clarification on two things. First, how would the Library work independently and be a free Library, stating that there might be a fee contradiction.

Attorney McMahan responded that the new Board will look at these issues; that there are no immediate changes, but they would have to consider this; that Collegedale is charging non-residents, and there has been controversy. He added that he thought the Mayor, and that Richard Beeland might could speak better to this, wanted to have a strong Library Board to consider what they think best.

Councilwoman Scott pointed out that Section 22-5 refers to the Library being free to the inhabitants of the City, which sounds wonderful. She stated that she guessed she was wanting to know that when we allocate, we are not just totally serving the City residents but those subsidized by the City? Mr. Beeland responded that that is not the intention; that for those living in the City of Chattanooga, there will be no charge—that this is not a new model; that those outside Hamilton County now pay a fee—that it is a familiar model. Councilwoman Scott noted that the people complaining now are not supporting the Collegedale Library. She asked about the section that refers to “selling stock”, assuming that this is book stock. Mr. Beeland explained that this was the furnishings and books in the Library, with Attorney McMahan adding that we are not dealing with the Stock Market. She mentioned “quid pro quo” and was told by Attorney McMahan that there were bridges that had not been crossed.

Councilman Benson questioned why even putting the word “free” in there—that a lot of things are not free; that there could be coffee stands in the Library and questioned why “free” was even in there. Mr. Beeland stated that he would have to defer to Attorney McMahan on this one.

Attorney McMahan responded that Valerie drafted this, and she was tracking the section of the State Statute; that they sent a DVD.

Councilman Benson stated that State Law does not say “free”, with Attorney McMahan agreeing that he was right. Councilman Benson stated that where it says “independent free library”, he did not think “free” needed to be there. Chairman Murphy quipped that maybe it meant “free thinking”.

Councilwoman Robinson stated that libraries are accessed by citizens; that the Library belongs to the City, and we are supporting it. She asked what would happen if one of the municipalities in Hamilton County wanted to participate, such as East Ridge or Red Bank. She wanted to know if this model would allow us to “grow” our Library? Attorney McMahan explained that we could enter into an agreement with a surrounding municipality. Councilwoman Robinson felt that we should do this and not preclude anyone just because Hamilton County government is not participating. She stated that she thought this should be one of the first orders of business—that we reach out to the nine or ten municipalities and let them know we want to be inclusive; that we need to be accessible to those that live and work in Hamilton County; that it would provide more revenue to support the Library and would make the Library grow. Mr. Beeland agreed to make sure the surrounding municipalities know this.

Councilman McGary had a question about Section 22-2, where it says the members of the Library Board shall be nominated by the Mayor and confirmed by a majority of the members of the City Council; that at the expiration of a Library Board member’s term, the member shall hold over until the City Council confirms the mayor’s nomination for that position. He noted that there was no timeframe for the Mayor to nominate. Mr. Beeland noted that the current Board will be dissolved, and the Mayor will have to appoint new members. Councilman McGary understood this but still noted that it says nothing about (x) amount of time; that this could cause a delay. Mr. Beeland noted that the Mayor wanted to expand the Board to 11 members, but this would have to go before the State—that right now it is limited to 7 members. Councilman McGary still felt there should be additional language, maybe to say something about a two month period timeframe—that this needed to be specified and tightened up—that there was no language that spoke to this.

Attorney McMahan explained that this is true of all the Boards we create—that this is the common language; that it is sometimes a task for the Mayor to get people to serve; that recruiting good members is the hardest part of the job.

Councilman McGary noted that Section 22-3 reads “The Library Board shall have the power to direct the affairs of the Library”. He questioned financial decisions being made by this Board or the City Council. Attorney McMahan noted that the Library’s finances come from three sources: (1) Fines, (2) City Appropriation and (3) Allocations in Wills for specific purposes, such as for History books—endowments for certain uses. He noted that the City Council controls the biggest source of revenue and is the main source of funding; that the Library Board will propose the Budget and the Council will endorse it. Councilman McGary noted that it is now called the Hamilton County Bi-Centennial Library. Attorney McMahan responded that we would not take the name off the building. Mr. Beeland added that it would be referred to as the Chattanooga Public Library.

Councilwoman Scott stated that she agreed with taking out the word “free”—that it is confusing; that the word “independent” is primarily for the City of Chattanooga—that the Budget is before us—that independent refers to the funding; that it is called the Chattanooga Public Library since we are funding it, and it is free to the residents of the City.

Councilman Benson stated that he would back up Councilwoman Robinson—that what she mentioned is the spirit of what we are trying to do—consolidation of services; that we may need to look at the Charter; that this “independent” business slaps some in the face—when we say Chattanooga Public Library. He felt using the word “independent” was a slap in the face and questioned what this would accomplish in the long run; that we needed to extend the hand of welcome.

Councilman McGary asked if we, as a Council, approve this, if it has to go to the State? Attorney McMahan responded “no”—that there is enabling legislation—that it does not have to go the State. Councilman McGary stated that then maybe he mis-heard some of the comments when we talked about the mandate concerning females and saying we would go one step further for minorities, at the State. Attorney McMahan explained that we are following the State as to number of members—that the Mayor wants 11—that to change it from 7 to 11, we do have to go to the State and at this time multi-cultural can also be addressed; that the Mayor will sponsor this initiative.

At this point, Attorney McMahan asked if the Council was of the consensus that we strike the word “free” and also the word “independent”? He stated that Ms. Maleug could get this done by tonight’s meeting or we could wait until next week. Councilman McGary questioned why the word “independent” was there to begin with? Chairman Murphy stated that it seemed more time was necessary.

Attorney McMahan again explained that they were just tracking the State Statute. Ms. Maleug stated that was the legislative intent. Mr. Beeland added that we are in control of the property and finances—that he thought that was what was meant by “independent”. Attorney McMahan stated that it was not a critical word “in or out”.

Councilwoman Scott asked if and when once the Board is formulated, could they come back to the City Council and tell us their vision. She asked that Mr. Beeland deliver this message.

Councilwoman Berz stated that she would like to get back to the word “independent” with Attorney McMahan—that independent could relate to the authority of being subject to receiving more funds. Attorney McMahan responded that the Library does receive some funds; that it is not practical to think that they could be self-sustaining. Councilwoman Berz mentioned that some mental health organizations are free-standing, and the State of Tennessee is the greatest benefactor and as a result, they receive a lot more funding. Attorney McMahan agreed that this might be the answer to using the word “independent”.

Mr. Johnson stated that “independent” is a 501.C organization; that they have their own Board. Councilwoman Berz stated that they make these free standing to receive grants; that if we do this, she is not sure we can tell the Library what to do with our money—that this needs clearing up.

Attorney McMahan stated that he thought we were still entitled to solicit foundation money.

Councilman McGary asked if we were deleting “independent” and “free”; that he would like to know that we are on a sure footing and what this refers to in conjunction with standing free but not independent.

Attorney McMahan stated that we could strike the word “free” and put this off until next week; that Valerie will prepare a draft. Chairman Murphy noted that there will not be a Legal and Legislative Committee meeting next week.

Councilwoman Scott had another issue to address—that when an agency receives funding from the City of Chattanooga, such as Parks and Recreation or other projects or festivals, that she thought sometimes the fact that it is funded by the City is lost on the public when they attend the function—that it is lost on them that they have participated; that she would like to see the City Seal used, much like United Way funds, when tax dollars are used. She questioned if we needed an Ordinance or Resolution saying if someone receives funding from the City of Chattanooga, this will be recognized by our citizens, stating where the money came from—the portion coming from the City of Chattanooga.

Councilman McGary asked if she was talking about “any” dollar amount? She explained that she was talking about budget allocations to agencies; that we assume that people know these are City funds, but this is not always true—that there are a lot of assumptions out there; that she would like to see some connection with the City emblem—that it is unclear. She used as an example that many people do not know that Outdoor Chattanooga is funded by the City of Chattanooga, and she thought there should be some recognition; that we are doing wonderful things for the taxpayers of Chattanooga.

Councilman McGary wanted to know if she was talking about a Logo or language?

She responded that there might be a sign or bracket saying that this is funded by the City of Chattanooga—that it could be the symbol of our Seal; that the County has a Seal and people are only seeing allocations from one entity.

Councilman McGary asked if we would be mandating this? Councilwoman Scott responded that obviously \$100 would not justify this but when we are looking at funding, we should get some recognition with either a bracket or sign to let people know who helped sponsor this.

Councilwoman Berz stated that she liked the idea—that it was a good idea; that we should have the Seal—that she did not like a lot of words but would be in favor of the Seal, and it should not be the amount of money but the percentage of money; that this was an excellent idea—that the City is often the unsung hero.

Councilman Benson noted that the United Way has 28 agencies that they sponsor; that he agreed they should recognize that we are one of their sponsors; that he was not certain about the Seal—the County or City Seal? Chairman Murphy stated that he was joking—that actually the County and City Seal are identical. Councilman Benson stated that he agreed we needed to be recognized.

Mr. Johnson stated that we are already doing this—maybe not 100% covered; that we get the word out. He questioned how far the Council would want to take this—that something goes out weekly.

Councilwoman Scott agreed that there is a press release, but it is not everywhere; that she looks for it. She requested that the City Attorney's office draft something to look at.

The meeting adjourned at 5:00 P.M.