

MINUTES OF SPECIAL MEETING OF THE BOARD OF MAYOR AND ALDERMEN
OF THE CITY OF MILLINGTON, TENNESSEE
HELD ON JULY 10, 2012

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND PRAYER

The Board of Mayor and Aldermen of the City of Millington, Tennessee met in special session at Millington City Hall on July 10, 2012. The meeting was called to order at 5:15 p.m. and was opened with a prayer by Mr. Morgan. Mayor Carter led the Pledge of Allegiance.

ROLL CALL AND QUORUM DETERMINATION

The following members were present:

Mayor Linda L. Carter
James O. Brown
Michael E. Caruthers
Donald L. Lowry
Brett A. Morgan

Mr. Barger, Mr. Ford and Mr. Pike were absent. A quorum being present, the following proceedings were held:

CONSIDERATION OF INTERVENTION IN SCHOOLS LAWSUIT

City Attorney Barbara Lapidés reported on the Third Party Complaint that the Shelby County Commission had filed in the U.S. District Court for the Western District of Tennessee, Western Division. She said that the Complaint alleged, among other things, that the laws passed by the state legislature to allow the suburban municipalities in Shelby County to establish their own individual municipal school districts violated the Tennessee Constitution because they are special legislation, applicable only to Shelby County, and that the attempt by the suburban municipalities to establish their own school districts was motivated by racism and would unlawfully re-segregate the schools in Shelby County in violation of the 14th Amendment to the U.S. Constitution and the analogous provisions of the Tennessee Constitution. She explained several other allegations in the Complaint.

Ms. Lapidés reported that the other five suburban municipalities had voted to intervene in this litigation and had engaged the Burch Porter & Johnson law firm to represent them. She asked if the Board wanted to consider doing the same and said that she believed there was going to be an agreement that costs and legal fees would be paid by the suburban municipalities on a pro rata/population basis. She also explained that while there may be times when the City would be able to withdraw from the lawsuit if costs become excessive, there could be times when the City could not be able to withdraw, such as if the County Commission loses in the trial court and appeals to the Court of Appeals. She also said it is possible that the court could order the suburban municipalities to pay the legal fees and costs of the plaintiffs, and that the agreement for cost and fee-sharing would not apply in that case.

After questions from the Aldermen about the lawsuit and intervention, Mr. Lowry made a motion that the City of Millington intervene in the schools litigation and engage Burch Porter & Johnson to represent the City in that litigation, provided there is an agreement among all six suburban municipalities that their costs and attorney fees in this litigation would be split on a pro rata/population basis, and provided that not more than \$ 60,000.00 be spent for legal fees and expenses without further authorization by the Board. Mr. Caruthers seconded the motion, and the Board voted unanimously to approve the motion as stated.

ADJOURNMENT

There being no further business, upon motion by Mr. Lowry, seconded by Mr. Brown, and unanimous consent of the Aldermen, the meeting was adjourned at 5:44 p.m.

Linda L. Carter, Mayor

Carolyn K. Conley, City Clerk