

**LEGAL AND LEGISLATIVE COMMITTEE**  
**MAY 15, 2012**  
**4:20 P.M.**

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

Others present included Mayor Littlefield, Johnny Feagans, Dan Johnson, Chief Parker, Larry Zehnder, Richard Beeland, Ron Swafford, Daisy Madison, Beverly Johnson and David Johnson. Ken Fritz joined the meeting later.

**On motion of Councilwoman Robinson, seconded by Councilman McGary, the minutes of the previous meeting were approved.**

Chairman Murphy called on Ron Swafford, after expressing sentiments for the recent loss of his mother.

Mr. Swafford acknowledged appreciation for the kind thoughts. He explained that on next week's agenda there would be two Resolutions dealing with Temporary Use Agreements in regards to the Department of Human Services; that this situation arose prior to his arrival on February 9<sup>th</sup>. He explained that the project is a combination between a lot of parties. The first is a Temporary Usage to use a portion of vacant land on the Chattanooga Human Services campus for a community garden under the auspices of Father Peter Kaniy with a HUD approval through Neighborhood Services, and everything had come together; that there was really no formal arrangement between the City of Chattanooga and these other parties, and there had been a meeting to make sure the City of Chattanooga's interest and Human Services' interest was protected with a formal agreement; that Father Peter was here today and Beverly Johnson was also present from Neighborhood Services. Mr. Swafford explained that the portion of the building used as office space was occupied prior to his arrival, and there was no formal agreement on this, also; that this presented no problem to himself nor his Staff.

Councilwoman Ladd asked for an understanding of what NEEMA stands for and what the organization is about?

**Susannah Murdock** approached the podium and identified herself as the Chairperson for NEEMA, along with Father Peter Kaniy.

Father Peter stated that NEEMA meant "Grace of God" and was a program for refugees; that the ministry started from Signal Mountain, and the ministry is borne through support of other people regarding the language of the people here, with the help of this office—that it is spiritual counseling; that people usually came there with extra needs.

Chairman Murphy confirmed that NEEMA means “Grace”.

Ms. Murdock added that they provide services for individuals and families for six months and sometimes it is only three months; that it is people who have moved to the United States and into public housing and are seeking jobs, and they have problems with the language—that this was as deep at their services go; that they were trying to create something for a safety net for these people.

Councilwoman Scott stated that it seemed like a wonderful organization, but she had a few questions. She wanted to know if it were a religious organization and was told “no”. Ms. Murdock explained that it was the Episcopalian Diocese, but it was not a faith-based endeavor—that they were not “saving souls” but providing service. Councilwoman Scott asked if it were only for refugees or if anyone in the city could come in for counseling? Ms. Murdock responded that at this juncture, it is for refugees—that it is a small organization. Councilwoman Scott stated that the land for a garden was not a threat in any way; however she did have an uneasy feeling about the free office space unless we can also do this for other organizations, as well. She wanted to know if the city has a multitude of space for organizations that would be similar to this? She stated that it seemed like a precedent to be concerned about when we offer space for a \$1.00 a year with the city providing the upkeep. She reiterated that the garden part would not be a threshold to leap over, but she was not as positive about the office space.

Chairman Murphy stated that Mr. Thornton would be the best person to deal with this.

Councilwoman Berz stated that what they were doing was fabulous; however she was concerned about the office space and counseling. She wanted to know if it were Christian counseling? Ms. Murdock responded that it is post-traumatic stress counseling and counseling regarding a new culture; that these people did not understand or currency and culture, and they had no driver’s licenses, and they were concerned about their security; that they were being victimized. Councilwoman Berz was still concerned about the counseling. Ms. Murdock continued to explain that they were trying to integrate these people into the community and explain to them how to connect with social services because of the language barrier; that they spoke an exotic language, which Father Peter can speak—that he speaks their language and makes others aware of their needs. Councilwoman Berz stated that this was fabulous; however she was concerned with the government getting involved with office space with a religious-sponsored group because of setting a precedent. She explained that it was a Church-State issue—that precedent setting was her only concern; that she wished Danny Thornton were here; that she would like to understand this better if we are “underwriting” this; that she was very much in favor of this.

Ms. Murdock stated that as she had sat through committee meetings today, one thing that permeated was partnerships, and a partnership was what this was—that they were partnering with the City and wanted an office within the City in conjunction with CHA and HUD; that they were the conduit to other services that exist; that at the “heart”, this is a literacy program—that they were trying to help people to become self-sufficient and not have to rely on government services.

Attorney Noblett explained that the Agreement for office space is temporary use for a one-year term at \$1.00; that it could be extended for two additional one-year terms; that NEEMA would provide for indemnification, and the utilities would be maintained by the City within this arrangement; services will be provided to citizens of the community. He stated that a religious entity does not deal with services.

Ms. Murdock stated that they had no formal strategic plan but a vision; that they were asking for three years to decide if this is a worthwhile endeavor; that they dealt with jobs and families and critical needs—that these people were “slipping through the cracks” and were very vulnerable, and they were so committed to this; that they would like to own their own property downtown with a garden—that it is a holistic picture.

Councilman Benson stated that he admired their dedication, and this needs to be done, and he hoped we could justify this and enable them to transition; that he would not feel comfortable about this without a copy of their Mission, and he would hold them to this Mission; that we had to honor the First Amendment. He stated that if Ms. Murdock could provide a Mission Statement it would be helpful to him.

Ms. Murdock responded that she had a whole Power Point Presentation—that their Mission is to allow refugees and immigrants to become self-sufficient. Councilman Benson stated he was not that interested in a Power Point and what Ms. Murdock said did not tell him quite enough. Ms. Murdock assured him that they had a Mission Statement—that they she written Grants and raised money to support this initiative.

Councilman McGary stated that he had a quick question—that he had actually spent time in the building and he and Father Peter were not strangers. He wanted to know, in regards to the office space, if any religious activities were taking place? Father Peter responded that he would say “no”—that everything looks religious; that some are ministers; that people see him wearing a collar; that people have a need and that is why he was here; that they had some Muslims and all they did was for one purpose. Councilman McGary stated that it was his thought that the answer would be “no”; that the concern was if we, as a Council, can permit this for NEEMA and set a precedent—that the heart of the issue is ascribing this to religion—that the heart is really the name “GRACE”; that some would say this excludes this organization from contracting with the City; that to him it was a legal issue, and it was a social service; that the government cannot show discrimination—that this is a social issue and not a religious issue.

Attorney Noblett referred to Freedom of Religion—that in this country the government cannot establish religion. Councilman McGary stated that this was not religion, and we would not be holding against anything. Attorney Noblett confirmed that the City could not do this on religious reasons. Councilman McGary questioned in what manner this would be setting a precedent? He questioned where the idea of “setting a precedent” was coming from? He stated that he agreed with Councilman Benson, that services are socially-oriented.

Ms. Murdock added that they were as much about self-sufficiency and protecting the civil rights of these people; that their civil rights were being infringed upon, and they were making sure this was enforced.

Councilwoman Ladd referenced the initial question—that tough questions are the Council’s job responsibility and this program had been presented very well and articulated very well. She stated that this was the Council’s first time to see this, and they had not had an opportunity to read the agreements; that she would hate to raise the thought that we don’t support religion; however sentiments had been expressed about separation of Church and State. She thanked Ms. Murdock for her candor and how well she had presented the program. She noted that there was some concern about the Title and questioned if “Outreach Ministry” could be changed to “Outreach Services”?

Ms. Murdock acknowledged that there was a “fine” line—that Father Peter was an ordained Episcopal Priest with Christian compassion; that partnerships had been established to bring together faith-based and government to create an Outreach Program that celebrates diversity—that these are people who are vulnerable and facing tough situations and wish to sell their food and create a co-op, and the garden would become another tool. She stated that these people had already been through enough!

Councilwoman Ladd stated that she had been educated on their plight, and the Council would read through this; that Ms. Murdock had done a good job.

Councilwoman Robinson thanked everyone, stating that she hoped the Council knew that Susannah Murdock was her daughter; that this was an effort they had been watching for several years and immediately concerned her; that Father Peter is an Episcopalian minister, but this is a refugee service for legal immigrants; that this was brought to our attention by Father Peter, and he speaks their language. She told a little about what he was doing, mentioning a case in College Hill Courts where a woman was raped, and the Police could not understand her language, and it was only after Father Peter was able to translate that help could be provided. She went on to say that the name had been talked about—that the word “ministry” implies religion, but this is not a religious program—that they “minister” to people with needs—that it is a social service and a great organization. She encouraged Ms. Murdock to send all of the

councilmembers a copy of the power point, mentioning the grants they had received and pointing out that these grants do not fund religious organizations. She stated that this was a perception thing, and the name of the organization was NEEMA Resettlement Outreach Ministry; that Father Peter, just incidentally, was an Episcopalian Priest. She again thanked everyone.

Councilwoman Berz stated that she really liked the presentation—that it was great. She asked them to think seriously about the name and getting rid of the word “Ministry”; that this should be well thought out—that it was not Christian compassion, and they needed to be careful of the word—that their goal was much bigger, and the meaning of communication is how it is received, and these are taxpayer dollars. She noted that they had talked about refugees in College Hill Courts and wanted to know if the services were available to others? Ms. Murdock responded that the garden was available to the people who live at College Hill Courts; that they were very receptive to engaging anybody. She went on to say that if someone is raped, the service would not be available if they were not a refugee because there were other services available for others—that this was mostly for refugees. Councilwoman Berz asked if they had applied for a 501.C3? Ms. Murdock responded that they were in the process of trying to decide if they were meeting a need, and if it were a worthwhile endeavor and time and time again the answer was a resounding “yes”; that grants had been written and people were “getting it” and liked it—that it was a social justice program to protect the vulnerable. Councilwoman Berz thanked her very much for this.

Councilman McGary stated that he had heard the comments that had been made and would like to put something out there; that maybe we needed more discussion between the name of the organization and the mission—that “ministry” means service, and there is nothing religious about the word; that we could consider this next week and would ask for a copy of the Mission Statement to be put on record.

Ms. Murdock responded that they do have a Mission Statement, but she had not memorized it.

Councilman Gilbert stated that this was wonderful work; that he appreciated what they were doing, and it was needed.

The meeting adjourned at 5:00 P.M.