

STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE

November 7, 2016

5:30 p.m.

Courthouse

MINUTES:

MEMBERS PRESENT:

Commissioner Paul Johnson  
Commissioner Allen McAdoo  
Commissioner Robert Peay  
Commissioner Jeff Phillips  
Commissioner Robert Stevens  
Commissioner Brad Turner  
Commissioner Trey Gooch, C

OTHERS PRESENT:

Ernest Burgess      Joe Gourley  
Josh McCreary      Becky Scarlett

Chairman Gooch presided and called the meeting to order at 5:30 p.m. with all members being present at that time.

MINUTES:

"Commissioner Turner moved, seconded by Commissioner Phillips, to approve the minutes of the last meeting as mailed. This motion passed unanimously by acclamation."

ANNOUNCE THREE VACANCIES ON AGRICULTURAL ADVISORY BOARD:

Chairman Gooch advised the positions of farm woman, farmer and Commissioner on the Agricultural Advisory Board were expiring and accordingly being announced.

ANNOUNCE COUNTY CORONER VACANCY:

Chairman Gooch advised the position of County Coroner was expiring and accordingly being announced.

PROPOSAL BY COMMISSIONER ROBERT STEVENS:

Commissioner Stevens advised due to the unfortunate situation with a local elected official and the Commission having no recourse, he was presenting two proposals for consideration. Proposal 1 would allow a legislative body in a county or municipality by 2/3 vote to suspend an elected official under felony indictment, without pay. If the person is convicted or pleads guilty to the felony, he would not receive back pay upon the order of judgment. If acquitted, he would be reinstated and receive back pay. Commissioner Stevens advised Article VII, Section 1 of the Tennessee Constitution allows the General Assembly to prescribe rules regarding removal of elected officials who have acted with malfeasance or neglect of duty. Proposal 2 is to establish a procedure for recall elections in counties and municipalities. With a certain percentage of registered voters' signatures obtained in a set time frame, citizens could petition for an election to recall an elected official. The recall election would be held within 60 days, for example, of the petition's certification. Commissioner Stevens advised he did not see where the State Constitution would allow for recall of "constitutional officers", so there may need to be an amendment to the Constitution for this proposal.

Commissioner Stevens advised the proposals would be beneficial across the State and provided a portion of the State Constitution regarding malfeasance. Commissioner Stevens recommended sending the proposals to the Legislative representatives for action. Following discussion,

"Commissioner Phillips moved, seconded by Commissioner Stevens, to vote on the proposals and forward the same to the Commission and on to the legislators if passed. This motion passed unanimously by acclamation."

Commissioner Peay advised if the County had been under Financial Act 57 then the County would not be in this situation but it is under a Private Act and the County might want to pursue this research further.

PROPOSAL BY COMMISSIONER JOE GOURLEY:

Commissioner Gourley advised his proposal proposed additional requirements for election or appointment to the office of Sheriff as there are more management requirements of a staff of 500. To qualify for Sheriff a candidate only has to have three years Post certification. Commissioner Gourley advised he was proposing a Private Act for Rutherford County adding to the current requirements 15 years combined Post, secondary education and experience for a total of 18 years total Post certified experience. Commissioner Gourley advised he felt the lack of education and experience are contributing factors in the current situation and the proposal needed to go to the attorney for proper formatting but he was encouraging discussion and thought regarding the proposals.

Commissioner Peay advised he concurred the position is administrative more than on the street and it is a multi-million dollar budget and he concurred in making requirements to hold the office more stringent. The Highway Superintendent has additional requirements in place. Commissioner Gourley advised he has been told approval statewide will be difficult so he was looking at the local level as Rutherford County is currently the 5<sup>th</sup> largest county in the State out of 95 counties.

Commissioner Stevens asked if Rutherford County could adopt a Private Act that supersedes general law and County Attorney McCreary advised he was not sure of the answer and the question is are we adding qualifications or superseding qualifications as this is adding a requirement for Rutherford County.

Commissioner Johnson advised at one time there was no Post requirements to run for Sheriff and you were given time after elected to obtain the same.

Commissioner Phillips advised he was struggling with the 15 year requirements because he did not know how much experience is required. Commissioner Gourley advised it may need to be 10 years but any business requires time and experience. The Road Superintendent has to have a specific number of years in road construction.

Commissioner Turner asked County Attorney McCreary to research the matter and see if it can move forward. This will be on next month's agenda.

Mayor Burgess advised this is a systemic problem in County government as the Trustee and Mayor positions do not require even a high school education and only the Sheriff and Road Superintendent have any requirements.

NEW BUSINESS:

Commissioner Phillips asked if the current Sheriff is suspended in Court then what will happen and asked if someone should get with Attorney John T. Bobo and make a report in Executive Session at the next Commission meeting on what to do if anything. Commissioner Stevens advised he thought a special called meeting was needed to appoint someone to serve to restore integrity. Mayor Burgess advised applications from qualified individuals will be needed and someone to determine qualifications are met. After discussion, it was Committee consensus that the matter go straight to the Commission because it is everyone's problem.

Mayor Burgess suggested authorizing the County Mayor with the County Attorney and Special Attorney Bobo to announce applications

are being taken with proper qualifications by a certain date. Commissioner Stevens suggested having the matter on the Commission agenda with the ability to make the appointment even with the executive session.

"Commissioner Turner moved, seconded by Commissioner McAdoo, that Mayor Burgess work with the County Attorney and Special Attorney Bobo to provide information needed for applicants and can have a special called Commission meeting to review the applications and be able to nominate a Sheriff if determine a qualified candidate in the event of the current Sheriff's suspension. This motion passed by roll call vote with Commissioners McAdoo, Phillips, Stevens and Turner voting "yes; Commissioner Peay and Gooch voting "no" and Commissioner Johnson passing."

Commissioner Peay advised he did not want to rush into the matter and it was not smart to ram it through without investigating the candidates nor did he want to appoint anyone that plans to run for the office. Chairman Gooch advised he agreed with Commissioner Peay and they have not had a Sheriff and the department is working. Commissioner Peay advised his problem is with the time table and feeling rushed.

There appearing to be no further business to come before the Committee, Chairman Gooch declared the meeting adjourned at 6:42 p.m.

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TREY GOOCH, Chairman