

STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE

May 4, 2015

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  
John Barbee  
Rob Mitchell  
Steve Schroeder  
Michael Shirley  
Kimi Dement  
Joe Phillips  
Becky Shelton  
Chuck Clark  
Alan Farley  
Josh McCreary  
Susan Allen  
Lisa Bordenet  
John Allen  
Teb Batey

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."

FILL VACANCY ON CONSERVATION BOARD TO FILL UNEXPIRED TERM OF DAVID ADAMS:

Chairman Gooch advised applications had been received from Joe Phillips and Michael Shirley to fill the unexpired term of David Adams which expires February, 2016. The applicants were in attendance and addressed the Committee.

"Commissioner Phillips moved, seconded by Commissioner Johnson, to nominate both applicants and vote for one. Michael Shirley will be recommended to fill the unexpired term of David Adams expiring February, 2016 on the Conservation Board by unanimous roll call vote with Commissioner Phillips not voting."

FILL VACANCY ON EQUALIZATION BOARD TO FILL UNEXPIRED TERM OF DAVID ADAMS:

Chairman Gooch advised applications had been received from Joe Phillips and John Barbee to fill the unexpired term of David Adams on the Equalization Board which expires April, 2016. The applicants were in attendance and addressed the Committee.

"Commissioner Stevens moved, seconded by Commissioner Turner, to nominate both applicants and vote for one. John Barbee will be recommended to fill the unexpired term of David Adams expiring April, 2016 on the Equalization Board by roll call vote with Commissioner Turner voting for Phillips and Commissioner Phillips not voting."

FILL VACANCY ON CODES ENFORCEMENT BOARD TO FILL UNEXPIRED TERM OF DAVID ADAMS:

Chairman Gooch advised an application had been received from Justin Harney to fill the unexpired term of David Adams on the Codes Enforcement Board which expires September, 2017. The applicant was not present.

"Commissioner Phillips moved, seconded by Commissioner Peay, to recommend Justin Harney to fill the unexpired term of David Adams expiring September, 2017 on the Codes Enforcement Board. This motion passed unanimously by acclamation."

ANNOUNCE COMMISSIONER VACANCY ON INSURANCE COMMITTEE TO REPLACE WILL JORDAN:

Chairman Gooch advised the position of Commissioner on the Insurance Committee was being announced.

ANNOUNCE TWO VACANCIES ON COMMUNITY CARE BOARD:

Chairman Gooch advised the positions of Greg Lyles and Gene Patterson on the Community Care Board were expiring and accordingly being announced.

ANNOUNCE TWO VACANCIES ON LINEBAUGH LIBRARY BOARD:

Chairman Gooch advised the positions of Daniel Graves and Suma Clark on the Linebaugh Library Board were expiring and accordingly being announced.

RECOMMEND ATTORNEY TO SUPPORT ETHICS COMMITTEE:

Mayor Burgess and Josh McCreary of the County Attorney's Office addressed the Committee advising with the consent of County Attorney Jim Cope they were bringing forth the names of Tom Lee of Nashville, John T. Bobo of Shelbyville and Doug Berry of Nashville for consideration as the attorney for the Ethics Committee. Mayor Burgess advised he has only talked with Mr. Lee and he has declined the position. Mayor Burgess advised he was requesting consent to go to the attorneys and the first attorney to accept the assignment that Mayor Burgess be authorized to offer the position. Mayor Burgess advised he wanted the assignment to be broader than the Ethics Committee and allow the attorney to assist as the matter unfolds and potentially to represent the Commission. Mr. McCreary advised the County Attorney's Office has had professional contact with the attorneys suggested over the years and they are competent to handle County matters like this and that out of County attorneys were preferred. Mr. Bobo has represented Bedford County for over 20 years as well as Moore County. Mr. Berry was the attorney for the City of Franklin and may not have been full-time but continues to work in municipal matters. Commissioner Peay advised the attorney needs expertise in State law and asked if the County was looking for advice or someone to handle the case. Mayor Burgess advised they needed someone to interpret the law as to this case and offer advice at this point. Commissioner Stevens advised the Ethics Committee only needs advice and he thought it could be a local attorney and asked what compensation rate would be paid. Mayor Burgess advised according to the Legal Services Agreement with the County Attorney they would use Mr. Cope's rate of approximately \$270 per hour. Commissioner Stevens advised the attorney only needed to represent the Ethics Committee and no others and he wanted a clause in the contract that the attorney advise of anyone contacting him regarding the matter. Commissioner Stevens also advised he had contacted Attorney Ted Goodman who would do the work for a discounted rate of \$190 per hour with no travel time. Mayor Burgess advised he was not comfortable offering the position to Mr. Goodman because he had been on Mr. Burgess' payroll during his first election cycle and he was uncomfortable with the appearance. Additionally, part of Mr. Cope's Legal Services Agreement requires Mr. Cope consent and approve the selection.

Commissioner McAdoo advised he preferred an out of County attorney because it may be a touchy situation and most of the local attorneys deal with the Sheriff's Department in some context. Chairman Gooch advised he wanted to see the representation follow thru to the Commission and not be limited to the Ethics Committee.

Mr. McCreary advised the names considered were determined through discussions in their law office among the attorneys and they did think an out of County attorney was needed due to the departments involved and the situation. When the attorneys are advised of the position they will perform a conflicts check in their office.

Mayor Burgess read part of the Legal Services Agreement relating to the consent required of the County Attorney as to outside counsel. Commissioner Peay asked for confirmation as to choosing an attorney to do the work that Mr. Cope has to be in complete approval and was advised if the Commission does not agree with the choice then another recommendation would be needed.

Commissioner Stevens advised he did not think Mayor Burgess should be involved because of issues in the past on the Correctional Work Center. Mayor Burgess advised per the contract with the County Attorney outside counsel is determined upon the recommendation of himself and Mr. Cope.

"Commissioner Peay moved, seconded by Commissioner Turner, to allow the County Mayor to talk with Doug Berry and John T. Bobo on representation as to the Sheriff's issues and upon consent present the name to the Commission. If both decline, the County Mayor will bring other names of attorneys from out of County to the Commission. The attorney will be the attorney for the Ethics Committee only. The attorney will advise the Ethics Committee of any one contacting him that is not on the Ethics Committee. This motion passed unanimously by acclamation."

It was the consensus of the Committee the attorney employed could be paid up to Mr. Cope's hourly rate.

RECOMMEND ATTORNEY TO PROVIDE SOFTWARE LEGAL SUPPORT:

Mayor Burgess advised from time to time complex contracts regarding software need to be reviewed and per the advice of Mr. Cope and Mr. McCreary they thought specific legal counsel was needed for software legal support and presented a proposed Resolution to employ the firm of Carroll & Karagelian, LLP. Mr. McCreary advised software contracts are highly specialized areas of the law and rapidly changing and are not an everyday occurrence. This would just be on an as needed basis. Commissioner Peay asked that notice be given to the Commission when using this outside law firm and wanted the Resolution to state the Commission has the authority to not use this firm. Commissioner McAdoo advised he wanted fee offices to use this attorney and not hire various attorneys and wanted the Resolution to say it was offered to fee officers. Mayor Burgess advised the attorney would represent Rutherford County. Commissioner Stevens advised they could not make a fee officer use this attorney. Commissioner McAdoo advised they could offer the department head the expertise of this legal counsel. Mayor Burgess advised this would be an attorney to review specific contracts and would not be used in litigation but only to give a comfort level when signing software contracts and would represent the Commission. Mr. McCreary advised Mr. Karagelian would only be for contract review with specific expertise and would not represent the County in any lawsuit. The contracts are approved by the Commission and Mr. Karagelian would represent the Commission in the review and only in review.

"Commissioner Turner moved, seconded by Commissioner Phillips, to move forward with dialog with Carroll & Karagelian, LLP and approve the Resolution.

Commissioner Peay moved to amend the original motion, seconded by Commissioner Stevens, to strike language in the last paragraph starting after "pending matters". The amendment passed by acclamation with Commissioner Phillips voting "no".

The original motion passed by acclamation with Commissioner McAdoo voting "no".

HIGHWAY COMMISSION PRIVATE ACT:

Election Administrator Alan Farley advised in planning for the 2016 elections they found a minor error in Private Chapter 47 and

Private Chapter 59 where districts I and V were interchanged and needed to be swapped. The zones were previously changed to coincide with the School Board and the zones were not correctly stated. One Road Board member term will be cut short if the district numbers are not swapped. The session has adjourned and this matter will need to be presented in January when the Legislature reconvenes. Following discussion,

"Commissioner Johnson moved, seconded by Commissioner Phillips, to submit to the General Assembly when convenes in 2016 Private Chapter 47 and Private Chapter 59 to correctly state Districts I and V and swap the same. This motion passed unanimously by acclamation."

There appearing to be no further business to come before the Committee, Chairman Gooch declared the meeting adjourned at 6:43 p.m.

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TREY GOOCH, Chairman