

THE SPECIAL CALL SESSION OF THE BOARD OF COMMISSION
OF
UNICOI COUNTY, TENNESSEE
MARCH 9, 2012

BE IT REMEMBERED that the Unicoi County Board of Commissioners met in Special Call Session at the Unicoi County Court House on Friday, March 9, 2012, at 5:00 p.m. Present and Presiding, the Honorable Sue Jean Wilson, Chairman, the Honorable Greg Lynch, County Mayor, the Honorable Mitzi Bowen, County Clerk, Doug Shults, County Attorney, and the following Commissioners:

ROLL CALL: Esq. Dwight Bennett, "Yes", Esq. Doug Bowman, "Yes", Esq. Kenneth Garland, "Yes", Esq. Mickey Hatcher, "Yes", Esq. Bill Hensley, "Yes", Esq. James Howell, "Yes", Esq. Loran Thomas, "Yes", Esq. Gene Wilson, "Yes", Esq. Sue Jean Wilson, "Yes".

9- Present

0- Absent

Esq. Doug Bowman opened the meeting with Prayer and the Pledge to the Flag was led by Esq. Bill Hensley.

Agenda Item #4
Recognize Visitors and Citizens

Mr. J.M. Harris spoke on behalf of the Sheriff and the job he has done while in office. He hopes whoever takes over does a good job and stated that they have a big challenge. Mr. Harris stated that 911 has about taken everything, the Sheriff's department is broke, and the commissioners need to start thinking about next year's budget to keep from having another land tax increase.

Esq. Sue Jean Wilson stated that the agenda received tonight is different from the original and asked if anyone would like to make a motion that it be prearranged in some way.

Motion made by Esq. Doug Bowman, said motion seconded by Esq. James Howell to stick to the original agenda.

9-Aye

0- No

Agenda Item #6
Consider Acceptance of Unicoi County Sheriff Kent Harris' Resignation Letter

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Dwight Bennett to accept the resignation letter of Unicoi County Sheriff Kent Harris. Esq. Dwight Bennett called for question.

9-Aye

0-No

Motion approved.

Agenda Item #7

Consider the Process and Procedure for filling the Vacant Position of Unicoi County Sheriff

Esq. Mickey Hatcher asked if County Attorney Doug Shults could walk through, step by step, the proper procedure. Mr. Shults addressed the commission stating that the statute is T.C.A. 5-5-11 and it advises the methodology of filling a vacancy of an office. The chairman shall give public notice seven days prior to the meeting in which the office will be filled. These are the minimum requirements. Mr. Shults also stated that the candidates must meet the qualifications for sheriff, which Mrs. Sarah Bailey, Administrator of Elections, will discuss. The main thing to consider is once the process begins there are a number of ways to handle it. Mr. Shults stated the main thing to do tonight is for the commission to set a policy for how to fill the office vacancy, especially in case there are more than two candidates for the position. Administrator of Elections, Sarah Bailey addressed the commission on what qualifications must be met in order to hold the office of Sheriff. Mrs. Bailey stated that T.C.A. 8-8-102 (copy in file) list the qualifications. This must be submitted to the POST commission for verification that the candidates meet all requirements. Esq. Mickey Hatcher asked how long this take. Mrs. Bailey responded that in an election the POST commission requires all the material be submitted to them 14 days before the qualifying deadline. Mrs. Bailey stated that her contact person at the POST commission stated they would process it as quickly as possible and it shouldn't take as long because they don't have every county in the state submitting papers to them. Esq. Sue Jean Wilson asked if it was seven days starting tomorrow. Mr. Shults stated that it was seven days from the date of publication. Esq. Sue Jean Wilson stated that if the paper is notified Monday it will be published Tuesday, she also asked if it includes Saturdays and Sundays. Mr. Shults responded that it does not say business days. Esq. Dwight Bennett asked since the news was at the meeting if they could be notified at this time. County Mayor, Greg Lynch stated that the meeting doesn't count as notification. He stated that if they are able to get it in on Monday then it would be published on Tuesday. Esq. Sue Jean Wilson asked the pleasure of the commission.

Motion made by Esq. Bill Hensley, said motion seconded by Esq. James Howell to wait until the next regular meeting. Mr. Shults stated that anyone can show up the day of the meeting, even if commissioners ask for resumes, and nominate someone. Then the person(s) nominated will have to be certified to qualify. Esq. Bill Hensley asked Mr. Shults if someone nominated a person, does that person not also need to be nominated by a commissioner. Mr. Shults stated that Esq. Hensley is correct: a county legislative body must also nominate. To vote on a candidate, the person(s) will have to have at least one commissioner to nominate them as well. Esq. Doug Bowman asked if there could be a recess called during the meeting if needed to interview candidates. Mr. Shults stated that the Chairman has the discretion to adjourn the meeting, but there would have to be another public notice since the commissioners cannot hold private interviews. Interviews have to be done during a public meeting. Mrs. Bailey stated that the candidates have to have everything in by March 22, 2012 to meet the fourteen days prior to the qualifying deadline of April 5, 2012 for the general election. Mr. Shults stated that the commission should decide what they will do should there be a run-off election, if there is more than one candidate. Esq. Bill Hensley stated he had some thoughts on how to process of appointing a person should be carried out. Esq. Hensley said that the first candidate to get five votes clearly wins. If there are three or four candidates, another vote will be taken and the low candidate drops out, followed by another vote. This process will continue until there are two candidates left, and the final vote will break any tie.

Motion made by Esq. Bill Hensley, said motion seconded by Esq. Dwight Bennett to vote on a group of candidates. The low candidate automatically falls out, and voting continues until two candidates remain. Then the final vote has to have five for a majority. If there are several candidates, then there will be a vote with the candidate with the fewest votes being dropped out, and continuing the vote until two candidates are reached. The final vote will appoint a candidate to the office. Esq. Doug Bowman asked if the motion could be amended to read that if a person does not get a vote then they are also eliminated. Esq. Loren Thomas clarified that if a person is nominated and then the commission votes and that person gets five votes, the voting is over. The response was yes, that person would be appointed. Esq. Sue Jean Wilson stated that they would go through all the interviews and

then vote. Esq. Mickey Hatcher added the stipulation that the candidate must go through the process and must have been cleared by the POST commission. Mr. Shults stated that the public notice needs to specify a cut-off date for applications/resumes. Esq. Sue Jean Wilson stated that if the applications are turned in by the end of business on March 23, 2012 that will give commissioners the weekend to review them before the meeting on March 26, 2012. Esq. Bill Hensley asked if he had a motion on the floor. The motion was read again before voting on it.

9- Aye

0- No

Motion approved.

Mr. Shults asked the Chairman if they were going to do any additional notifications to the public beyond the minimum requirements. Esq. Sue Jean Wilson stated that applications/resumes must be in by noon on Friday, March 23, 2012, as well as all qualifications from the State of Tennessee. County Mayor Greg Lynch stated that they would publish a minimum list for the public notice.

Agenda Item #5

Consider Request for the Return of Temporary Disability Benefits turned over to the County by Sheriff Kent Harris through his Attorney Bruce Shine

Esq. Doug Bowman asked for an explanation for why it is different from what was voted on at the last meeting. Esq. Sue Jean Wilson stated that at last month's meeting it was voted to return the money to Workman's Compensation and ask them to send the money to the sheriff in order that no one would think that they were giving additional funds. Workman's Compensation said the money belonged to the sheriff and sent it back to the county. According to Workman's Compensation, the amount that is to be returned to the sheriff will come off the total amount of Workman's Comp that he is due, so he will not receive additional funds, only the benefits that they see fit due to his disabilities and injuries. Esq. Loren Thomas verified this is not county money. Correction to minutes noted: Commissioners voted at the March 26, 2012 meeting to include Esq. Doug Bowman requested a copy of the letter from the insurance company stating they did not want the money returned to them.

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Mickey Hatcher to pay directly to Sheriff Harris.

8- Aye

1- No (Esq. Doug Bowman)

Motion approved.

Motion made by Esq. Mickey Hatcher, said motion seconded by Esq. James Howell to have candidates bring a resume with qualifications and why they are seeking the office.

9- Aye

0- No

Motion approved.

Esq. Dwight Bennett asked if they could get the information that will be sent to Nashville before it is sent in. He would like to get it as soon as possible in order to go over it thoroughly.

Agenda Item #8
Motion for Adjournment

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Gene Wilson to adjourn the meeting of March 9, 2012.

GREG LYNCH, COUNTY MAYOR

MITZI BOWEN, COUNTY CLERK

SUE JEAN WILSON, CHAIRMAN