

**RECESSED MEETING
HAMILTON COUNTY BOARD OF COMMISSIONERS
JULY 11, 2018**

2:23

RESOLUTION NO. 718-25 A RESOLUTION AUTHORIZING THE PAYMENT OF SEVENTY THOUSAND DOLLARS (\$70,000.00) IN SETTLEMENT OF CLAIMS AGAINST HAMILTON COUNTY, TENNESSEE, AS BROUGHT BY CHARLES AND KAYLA MARIE ARCHEY FOR A VEHICLE ACCIDENT WHICH OCCURRED ON OR ABOUT JULY 11, 2017.

ON MOTION of Commissioner Graham, seconded by Commissioner Fields, to adopt Resolution No. 718-25. The foregoing Resolution was unanimously adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows: Commissioner Bankston, "Aye", Commissioner Beck, "Aye", Commissioner Boyd, "Aye", Commissioner Fields, "Aye", Commissioner Graham, "Aye", Commissioner Mackey "Aye", Commissioner Martin, "Aye", Commissioner Smedley, "Aye", and Chairman Fairbanks, "Aye". Total present – 9. Total absent – 0. Total "Aye" votes – 9. Total "Nay" votes – 0.

At this time, Chairman Fairbanks recognized Commissioner Boyd, Chairman of the Security and Corrections Committee.

Commissioner Boyd provided details from this morning's Security and Corrections Committee meeting regarding Chief Magistrate Lorrie Miller's recommendation to terminate the employment of Judicial Commissioner Owen Stuart Brown. It was noted a letter from Chief Magistrate Miller was read into the record at the

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July 3rd Commission Meeting, which detailed inefficiencies in Mr. Brown's performance and recommended his employment as Judicial Commissioner be terminated.

Commissioner Boyd stated General Sessions Court Judges Lila Statom and Gary Starnes attended the committee meeting to answer questions related to their individual experiences with Mr. Brown. He also reported Human Resources Director Alecia Poe, Chief Magistrate Miller, and Mr. Brown attended and answered questions at the meeting.

Commissioner Boyd stated based on the evidence presented at this morning's meeting it is the recommendation of the Security and Corrections Committee to terminate the employment of Mr. Brown.

ON MOTION of Commissioner Boyd, seconded by Commissioner Bankston, to terminate the employment of Owen Stuart Brown as Judicial Commissioner.

Commissioner Graham voiced concerns about terminating Mr. Brown's employment without providing an opportunity for proper training. Commissioner Fields agreed and added that Mr. Brown's employment began on May 30, 2018 (*Resolution No. 518-39*) and termination this early on without providing adequate training would be premature.

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Commissioner Smedley stated she supports the recommendation of the Security and Corrections Committee. She stated there is a major concern about liability to the county if Mr. Brown continues to serve in his current capacity.

Commissioner Mackey echoed Commissioner Graham's comments recommending additional training for Mr. Brown.

Commissioner Graham offered an amendment to the previous Motion that Mr. Brown's job performance should be revisited after 30-days of adequate training.

Commissioner Martin asked that Commissioner Graham's Motion also include a blank for the name of the person designated to train Mr. Brown and a payment amount of \$60.00 per hour. It was noted Attorney Taylor would designate a qualified trainer. Commissioner Graham agreed with the addition.

ON MOTION of Commissioner Graham, seconded by Commissioner Beck, to amend the main Motion to allow Mr. Brown 30-days with a qualified trainer, to be designated by Attorney Taylor, at a pay rate of \$60.00 per hour.

Chairman Fairbanks reminded Commissioners of Chief Magistrate Miller's comments at the committee meeting in which she stated additional training would not alleviate the problems with Mr. Brown's performance.

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In response to Commissioner Bankston's question, Attorney Taylor stated to his knowledge this procedure is unprecedented.

Mayor Coppinger reported hiring someone to train Mr. Brown might require a budget amendment.

At this time, a lengthy discussion took place between Commissioners and Attorney Taylor regarding the potential liability to the county if Mr. Brown remains in his current position and the potential for a lawsuit if he were to be terminated before his contract expires. Several Commissioners voiced concerns over documented mistakes and the fact that Mr. Brown has received training from another magistrate. There was also concern over eleven missing warrants that were in Mr. Brown's possession.

Chairman Fairbanks called for a brief recess at this time in order for Attorney Taylor to confer with Commissioners in the adjacent conference room regarding a legal matter. There were no objections. Upon reconvening, Attorney Taylor reported the legal meeting was in regards to threatened litigation, and no deliberation outside of the litigation information presented was discussed.

Chairman Fairbanks asked for the amended Motion by Commissioner Graham to be restated. Commissioner Graham clarified the amendment to the main Motion would allow Mr. Brown 30-days with a qualified trainer, to be designated by Attorney Taylor, at

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a pay rate of \$60.00 per hour. Commissioner Beck, who seconded the Motion, agreed to these terms.

The foregoing Motion to amend was adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows: Commissioner Bankston, "Nay", Commissioner Beck, "Aye", Commissioner Boyd, "Nay", Commissioner Fields, "Aye", Commissioner Graham, "Aye", Commissioner Mackey "Aye", Commissioner Martin, "Aye", Commissioner Smedley, "Nay", and Chairman Fairbanks, "Nay". Total present – 9. Total absent – 0. Total "Aye" votes – 5. Total "Nay" votes – 4.

Chairman Fairbanks asked Clerk Knowles to call the roll on the main Motion, as amended. The main Motion as amended was adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows: Commissioner Bankston, "Nay", Commissioner Beck, "Aye", Commissioner Boyd, "Nay", Commissioner Fields, "Aye", Commissioner Graham, "Aye", Commissioner Mackey "Aye", Commissioner Martin, "Aye", Commissioner Smedley, "Nay", and Chairman Fairbanks, "Nay". Total present – 9. Total absent – 0. Total "Aye" votes – 5. Total "Nay" votes – 4.

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Chairman Fairbanks announced there was no other scheduled business for today's Recessed Meeting. Being no further business Chairman Fairbanks declared the Recessed Meeting adjourned.

Respectfully submitted:



William F. (Bill) Knowles, County Clerk

Approved

08-01-18
Date

W.F.K.
Clerk's Initials