

Cannon County,
Tennessee
Board of
Commissioners
Legislative Minutes

February 4, 2021

Call to Order - The meeting was called to order on Thursday February 4, 2021 at 5:30 p.m. in the Courtroom of the Cannon County Courthouse.

Prayer and Pledge - Prayer was led by Commissioner Corey Davenport, Pledge was led by Commissioner Russell Reed.

Roll Call - Jeannine Floyd, Russell Reed, Corey Davenport, Karen Ashford, Jim Bush, Greg Mitchell, Brent Brandon, Randy Gannon, Kristal Alexander, Ronnie Mahaffey. All Present

Approve/Change Agenda - Motion to add the Ambulance Dept to the agenda was made by Commissioner Corey Davenport and seconded by Commissioner Brent Brandon. Motion was approved by a voice vote with the exception of Commissioners Jeannine Floyd and Ronnie Mahaffey opposing. A motion to add the Sheriff's Dept to the agenda was made by Commissioner Corey Davenport and seconded by Commissioner Randy Gannon. Motion was approved by a voice vote.

Approve Agenda - Commissioner Randy Gannon made a motion to approve agenda with additions of 13b and 13c. Motion was seconded by Commissioner Corey Davenport. Motion was approved by a voice vote with the exception of Commissioner Jeannine Floyd opposing.

Approve Consent Agenda - A motion to approve the meeting minutes and notary applications of Amy K. Gentry, Hannah Parsley, Vallarie Womack was made by Corey Davenport. Motion was seconded by Commissioner Karen Ashford. Motion was approved by a voice vote.

Public Comment - Randy Burnett commented that as of this coming Monday he will be officially retired from EMS after 37 years. He received a phone call on Saturday by Mr. Brent Bush that he was being terminated and was no longer needed. Mr. Burnett took his retirement rather than being fired. Mr. Burnett said that he hates that it has to end this way; he has enjoyed all the years of taking care of the citizens. He said he appreciates working with the dispatchers, Sheriff's Dept, Police Dept. they are amazing. He appreciated all of the phone calls, advised legal counsel, and support during this hard time. Mr. Burnett said that it is sad but there are people that do not care if there is an EMS Dept. and that can't be helped. In conclusion he thanked all of the ones that stand behind him. Mr. Burnett was thanked by some members of the commission for his 37 years of service and the lives he has saved. Priscilla Burnett spoke about her brother Randy Burnett and that ever since they were children EMS has been his passion. She

said it is a shame that after he dedicated 37 years it had to end cowardly with a phone call. Tammy Burnett stated that they wanted the job back. It has been proven that Randy Burnett had not done anything wrong and should not have been fired. Jaylene Johnson stated that she has been a supervisor before and has never called anyone on the phone and given them the option to retire, resign or be fired. Ms. Johnson spoke directly to County Executive Brent Bush saying that it was a cowardly move. She also said there are some people sitting around the table with intentions to destroy the county. They do not believe that the Ambulance Service, Fire Depts, or Rescue is a necessity for this county. She said on behalf of her EMS family that they are going to stick together and see this Ambulance Service through and make it work. Mandy Jo Edwards from Cannon County Dispatch spoke on behalf of David Pitts Jr. that was terminated after 16 years of service. Mr. Pitts was not accused or found guilty of any wrong doing in the lawsuit, he was only a witness for the county. Ms. Edward questioned the reason (service were no longer needed) for termination that was given to Mr. Pitts saying they were already short one employee and during a pandemic. Ms. Edwards said they would like answers for an innocent man that is without a job or insurance. David Pitts was thanked for his 16 years of service from some of the commissioners. Former County Attorney Chris Coats stated that in his opinion Brent Bush is an excellent County Executive. Mr. Coats said as an attorney you can't hear part of a case you have to hear all of a case and advised that everyone should read everything from start to finish before casting stones. Katic Simpson spoke up and said that if it were not for the EMS she would not have survived a complication of a surgery. She said that if an ambulance had to come from another county her children would have had to watch her die. Karen Melton spoke on behalf of her daughter Crystal Mason and thanked Jeannine Floyd, Ronnie Mahaffey, Brent Bush and Jim Bush for coming almost everyday to the court proceedings. She said that she did not raise Crystal to be a bad person or to be abused by anyone. Mrs. Melton said that firing these men should have been the first thing that should have been done when the commission was sworn into office. She said the men should have been fired when the girls were let go, the girls lost their jobs, family and money. Commissioner Corey Davenport addressed the comment by saying that this body has no authority to fire or hire anybody and that resides with Brent Bush. Mrs. Melton said that the two girls present deserve an apology. Tom Floyd commented that he could see that there is obviously a lot of emotion in this. He said that in life people make mistakes and whether or not they get caught it doesn't matter how many years of service, you can get fired for that one instance. Mr. Floyd said that in the transcripts there are very incriminating documents not only to the four men but to anyone working in the same vicinity. He said that people getting fired for misconduct happens all of the time and to think it doesn't happen in Cannon County is pretty naive. He said that the EMS is poorly managed with an expense of over \$700,000 and should consider new management.

Old Business/Tabled Items - Committee Appointment Beer Board- Commissioner Ronnie Mahaffey stated that Andy Olsen had shown interest in being appointed to the beer board. Commissioner Jim Bush suggested putting in on the agenda for March. No motion or vote was

taken.

ADA Transition Plan Resolution - Commissioner Corey Davenport made a motion to accept this but remove the dollar amount . Motion was seconded by Commissioner Karen Ashford. Voting Aye: Jeannine Floyd, Corey Davenport, Karen Ashford, Jim Bush, Greg Mitchell, Brent Brandon, Randy Gannon, Kristal Alexander. Voting Nay: Russell Reed, Ronnie Mahaffey. Motion was approved by a vote of 8-2.

Cannon County/City of Woodbury interlocal Agreement - Commissioner Corey Davenport made a motion to have the County Attorney work with the City Attorney to make sure the interlocal agreement is compatible to both sides and bring back a recommendation in March. Motion was seconded by Commissioner Randy Gannon. Voting Aye: Jeannine Floyd, Russell Reed, Corey Davenport, Karen Ashford, Jim Bush, Greg Mitchell, Brent Brandon, Randy Gannon, Kristal Alexander, Ronnie Mahaffey. Motion was approved by a vote of 10-0

Planning Commission Appointment - A motion to appoint Lacey Buchanan to the planning commission was made by Commissioner Randy Gannon. Motion was seconded by Commissioner Karen Ashford. Voting Aye: Jeannine Floyd, Corey Davenport, Karen Ashford, Greg Mitchell, Brent Brandon, Randy Gannon, Kristal Alexander, Ronnie Mahaffey. Voting Nay: Russell Reed, Jim Bush Motion was approved by a vote of 8-2

A motion was made by Commissioner Jim Bush to appoint David Faulkner to the Planning Commission. Motion was seconded by Commissioner Jeannine Floyd. Voting Aye: Jeannine Floyd, Jim Bush, Randy Gannon, Ronnie Mahaffey. Voting Nay: Russell Reed, Corey Davenport, Karen Ashford, Greg Mitchell, Brent Brandon, Kristal Alexander. Motion failed with a vote of 4 for, 6 against.

Budget Amendments - County General Resolution BA20/21-7 - County Buildings in the amount of \$13,265.00 taken from Fund Balance and credited to Part-time Personnel. County Clerk in the amount of \$10,000.00 taken from Clerical Personnel and credited to Building Improvements. A motion was made by Commissioner Russell Reed to approve Resolution BA21/21-7 and seconded by Commissioner Randy Gannon. Voting Aye: Jeannine Floyd, Russell Reed, Corey Davenport, Karen Ashford, Jim Bush, Greg Mitchell, Brent Brandon, Randy Gannon, Kristal Alexander, Ronnie Mahaffey. Motion was approved by a vote of 10-0
Board of Education BOE 20/21-4 & 5- Increase Expenditures \$2,100.00 in Other Salaries and Wages, and \$7,851.00 in Other Supplies and Materials. Decrease Expenditures \$8,551.00 in Educational Assistants and \$1,400.00 in Substitute Teachers. Increase Revenues COVID Grant \$114,077.12 and Increase Expenditures \$114,077.12 in Education Technology. A motion was made by Commissioner Corey Davenport, and seconded by Commissioner Russell Reed to approve both Resolution BOE 20/21-4 & 5. Voting Aye: Jeannine Floyd, Russell Reed, Corey Davenport, Karen Ashford, Jim Bush, Greg Mitchell, Brent Brandon, Randy Gannon, Kristal Alexander, Ronnie Mahaffey. Motion was approved by a vote of 10-0

Solid Waste BA20/21-8 \$22,370.00 taken from Fund Balance and credited to \$20,000.00 Laborers, \$1,250.00 Social Security, 250.00 State Retirement, \$420,00 Medicare, \$450.00 Communication. A motion was made by Commissioner Corey Davenport and seconded by Commissioner Jeannine Floyd to approve Budget Amendment BA 20/21-8. Voting Aye: Jeannine Floyd, Russell Reed, Corey Davenport, Karen Ashford, Jim Bush, Greg Mitchell, Brent Brandon, Randy Gannon, Kristal Alexander, Ronnie Mahaffey. Motion was approved by a vote of 10-0

Finance Policy Updates - Finance Director Diane Hickman presented the Commission with a Summary Financial Report as of 12-31-2020. Ms. Hickman explained that almost every fund was at forty something percent and that is right where we need to be. Also presented was Trial Balance from the Trustee and Cash Flow Sheet as of January 2021. A motion was made by Commissioner Russell Reed to accept the Fund Balance Policy, Cash Management Policy, and Debt Management Policy. Motion was seconded by Commissioner Russell Reed. Voting Aye: Jeannine Floyd, Russell Reed, Corey Davenport, Karen Ashford, Jim Bush, Greg Mitchell, Brent Brandon, Randy Gannon, Kristal Alexander, Ronnie Mahaffey. Motion was approved by a vote of 10-0

911 Interlocal Agreement - Commissioner Ronnie Mahaffey made a motion for our County Attorney to be able to review the Interlocal Agreement between the county, city and 911 and to have Mr. Fagan return with an opinion in April. The motion was seconded by Commissioner Corey Davenport. Voting Aye: Jeannine Floyd, Russell Reed, Corey Davenport, Karen Ashford, Jim Bush, Greg Mitchell, Brent Brandon, Randy Gannon, Kristal Alexander, Ronnie Mahaffey. Motion was approved by a vote of 10-0

Adequate Facilities Tax - A motion was made by Commissioner Corey Davenport and seconded by Commissioner Jim Bush to give Mr. Matt Cowan our blessing to move forward with collection against Todd Construction for delinquent Adequate Facilities Tax. Voting Aye: Jeannine Floyd, Russell Reed, Corey Davenport, Karen Ashford, Jim Bush, Greg Mitchell, Brent Brandon, Randy Gannon, Kristal Alexander, Ronnie Mahaffey. Motion was approved by a vote of 10-0

Discussion on the Ambulance Dept - County Attorney Jonathan Fagan addressed the board first with a statement that enlght of the extreme amount of inquiries from various officials and employees he submitted his opinion. Mr. Fagan stated that any move to privatize the Ambulance Service must first be approved by the body of the County Commission, unless and until Cannon County institutes a Legal Services Dept. or Human Resources Dept for drafting and oversight of such a complex and important contract, privatization of the Ambulance Service could incur great liability on the County which would amount to a much greater cost than any savings in labor or equipment that privatization would provide. Mr. Fagan at no cost to the County composed a 260

page Human Resource Guide Book for all County Officials to reference before making any hiring or termination decisions going forward. A paper copy of this guide book has been provided to the Commission and a pdf version has been provided to the clerk which was distributed to all Commissioners, Constitutional Offices, Dept Heads and any other County Official holding the power to hire or fire county employees. He suggested it be studied prior to any further firing or termination of county employees. In the future Mr. Fagan's office requests all further legal opinions sought by any County Commissioner to be made in the form of a motion and properly seconded and approved by this body in a public meeting or else in an executive session. His office is happy to issue a written opinion on any legal question proposed in this manner and will continue to do so after thorough research of the issue. County Officials are free to take the advice of his office or disregard entirely. Chairman Mitchell gave each Commissioner a chance to make a statement. Commissioner Corey Davenport thanked Mr. Fagan for his work on the handbook and for his opinion in the matter. He said this should be a very good learning experience on what to do and what not to do. He stated for the record he does not condone any harassment to anybody whether it be physical, emotional, or sexual. He said he has not read the transcripts but that he is neither a judge nor jury and he doesn't want anything said to undermine or lessen it. It is a very serious thing whether it is alleged or whether it really happened. He said he thinks we need a process where we bring people in and have a one on one, face to face, with an exit letter in front of a witness when terminating an employee. Commissioner Davenport said that right now the biggest concern is that we only have eight people running the Ambulance Dept. 24/7 for 14,000 people and the risk is concerning. He said thank you to the eight remaining for trying to figure out how to make it work. He finished by saying to Randy Burnett and David Pitts he believes they deserved a one on one after 37 years and 16 years. Commissioner Brent Brandon thanked Mr. Fagan for putting the information together for them. As far as privatization of the Ambulance Dept he said he has fought it for 2 years and will never believe it is the right thing for the citizens of Cannon County. Commissioner Randy Gannon told the eight people remaining at the Ambulance Dept that he appreciated what they do. He said they have helped him before when he needed them. He said the situation with the firing is not a decision of the commission. He said it could have been done differently but it is done, it is not up to the board it is up to Brent like it or not the decision has been made. He said he hates it has come to this the whole thing in general. He has not read the transcripts but plans to read them so he cannot comment on that. He hopes this is a learning experience and hopes the HR policy manual that was prepared by Mr. Fagan will help with some of these things. Commissioner Karen Ashford said that as a dispatcher she thinks the Ambulance Service is very important. She has had a couple of rides in the ambulance and they have been very good to her. She said that she is afraid that it is going to wear out the eight people left because there are four people on a shift. She thanked Mr. Burnett for what he said about the dispatchers, officers and firefighters and they all work together but we need our Ambulance Service. Commissioner Ashford agreed with Commissioner Brandon in that she would never support privatization of the Ambulance Dept. she does not think it is what Cannon County needs.

Commissioner Kristal Alexander thanked all of the EMS workers for their service. She also thanked Mr. Fagan for his opinion and hopes from this point on people would pay attention and not disregard as was done in this situation. She also stated that she would not vote to privatize the Ambulance Service. Commissioner Jeannine Floyd stated that she had attended almost every day of the court proceedings. She said it is very interesting that when the lawyer is asking the questions you can really see their side of the story but when they are cross examined you are torn because you can see both sides of the story. She said in her opinion the case was over the first day. She said there were so many things that were dropped in the county for protecting the employees. Commissioner Floyd said that she is hopeful in going forward with the HR committee and getting a sound sexual harassment policy in place to make sure this never happens again. If anything this gives us a boost to get our policies in order and make sure they are enforced so that the individuals and victims will not have to go through this and that gives us great hope for the future of our county. Commissioner Ronnie Mahaffey had no comments concerning the Ambulance Dept. he said he represents the citizens of this county and the votes and decisions he has made are solely based upon the information that he has been able to gather, understand and interpret. He said he has never been embarrassed or ashamed to explain his vote, rationality, and decisions made in anything that comes before him and he will continue to do that in the best interest of this county. Commissioner Jim Bush said that it is a hard situation and that he was blessed to work in the private sector. He said he has seen men fired for telling an off colored joke. He said the state guidelines say that a company or government shall protect the rights of the individuals that are working for them and we failed at that. He said the Sheriff's Dept, Rescue Squad, Firefighters, Ambulance Service have done a great job and we have to go on from this and learn from it. Commissioner Russell Reed said that he supports the Ambulance Service, Sheriff's Department and to the eight still left at the Ambulance Dept hats off to you. He said he would not comment on the court case because he has not read it. He said he did not think things were done entirely right but he has no say in that. Commissioner Reed said that he would not under any circumstances vote to do away with the County EMS service that we have. He said he has used them in the past and would think of them every time he hears them go out. Commissioner Greg Mitchell said that he thinks it's a sad thing and there are no winners in any of it. He said he supports the Ambulance Service very much so they have come and got his father and saved his life and he would forever be grateful for that. He told the eight still left at the Ambulance Service keeping it going he so appreciates them and will be praying for them. He didn't know anything about the firing but he said that seems to be the way it is. He also said that he believes that if you're innocent you're innocent and if you're guilty you're guilty but after 37 years and 16 years you deserve more than a phone call. He said in no way would he vote for privatization of the Ambulance Service he doesn't think it is right for us. He said it would be his prayer that we could do better. Commissioner Corey Davenport stated for the record that he would apologize for this that the system failed everyone. There was nothing in place to prevent it, nothing in place to talk about it once it did happen and he is very sorry. He said that was before him and a lot of people on this commission and they are working toward fixing this

problem with the HR Dept. and committee. And he too will never vote to privatize the Cannon County Ambulance Service.

Sheriff Dept Shop - Sheriff Darrell Young addressed the Commission about the building that burned behind the Sheriff's Dept. Sheriff Young is requesting permission to go ahead with having an engineer design a building to start the bid process. Commissioner Corey Davenport made a motion to allow the Sheriff's Dept to work with the Finance Dept. to get an engineer to start this process of developing or designing a building. Motion was seconded by Commissioner Russell Reed. Voting Aye: Jeannine Floyd, Russell Reed, Corey Davenport, Karen Ashford, Jim Bush, Greg Mitchell, Brent Brandon, Randy Gannon, Kristal Alexander. Voting Nay: Ronnie Mahaffey. Motion was approved by a vote of 9 for, 1 against.

Chairman Greg Mitchell read a thank you from the United States Census 2020.

A motion was made by Commissioner Corey Davenport to adjourn, second was made by Commissioner Russell Reed. The meeting was called adjourned at 7:25 p.m.