

**After
Agenda**

**Board of Commissioners of Spalding County
Special Called Meeting
Monday, September 24, 2015
5:00 PM
Meeting Room 108, Courthouse Annex**

The Spalding County Board of Commissioners held Special Called Meeting in Room 108 in the Courthouse Annex, Thursday, September 24, 2015, beginning at 5:00 p.m. with Chairperson Rita Johnson presiding. Commissioners Bart Miller, Raymond Ray, Gwen Flowers-Taylor and Donald F. Hawbaker were present. Also present were County Manager William P. Wilson Jr., Assistant County Manager, Eric Mosley, James Fortune, County Attorney, William Gay, Human Resource Director and Executive Secretary, Kathy Gibson, to record the minutes.

A. **Call to Order** by Chairperson Rita Johnson.

B. **Agenda Items**

1. Chairman Johnson requests an Executive Session for discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary actions or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. 50-14-3(6).

Motion/Second by Ray/Hawbaker to enter into Executive Session for discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary actions or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. 50-14-3(6). Motion carried unanimously by all.

Motion/Second by Flowers-Taylor/Ray to come out of Executive Session. Motion carried unanimously by all.

Commissioner Flowers-Taylor stated that she would like to open the floor for discussion of some items that she wanted to share with the County Manager. She wanted to be advised of whatever information that could be given regarding Officer Gibson at the Sheriff's Department. Commissioner Flowers-Taylor advised that she is aware that the Sheriff is a constitutional officer and that he hires and fires at will. However, whenever a suit is filed either from the outside or inside of that department it is always addressed to the Spalding County Board of Commissioners. Even though we have no control over the action taken by this department, in the long run we are the ones who wind up getting the blame.

Commissioner Flowers-Taylor then expressed her concern over recorded conversations between Sheriff Department employees, our staff and our legal counsel as well that indicate that here has been a violation of the Sunshine Act in that some of the records have been withheld and these conversations have been recorded telephone conversations. She stated that her concern although the Sheriff's Department is responsible for their Open Records, if there is a violation of the

Sunshine Law then it is going to wind up at the Attorney General's Office and if there is a violation, who will be blamed for it. She feels it is going to become a problem for the Board of Commissioners.

Commissioner Flowers-Taylor stated that the Board doesn't have a clue as to what is going on at the Sheriff's Department and he was concerned enough to get an outside party to do an investigation on that particular Officer. She stated that her concern at this time is if there is a question that they have violated the Sunshine Law, we need to be advised of the circumstances because at the end of the day when things start to go bad, it is all going to be pointed at the Board of Commissioners.

Commissioner Flowers-Taylor stated that she realizes that this is something that the County Manager would not have explicit knowledge of; however, this is something that needs to be addressed, whether it is with an independent investigation or whatever. As part of open records requests, there have been discussions on recorded telephone line of conversations trying to keep the investigative record from the individual filing the Open Records Request.

Commissioner Flowers-Taylor stated that she feels that we need to look to see what we can do to limit the County's liability, prior to cases being filed against the Board by the Attorney General's office for violation of the Sunshine Law.

Mr. Wilson stated he would get with the County Attorney to discuss these concerns and get a recommendation on preventative action.

C. Adjournment

Motion/Second by Flowers-Taylor/Miller to adjourn the meeting at 5:32 p.m. Motion carried unanimously by all.