

**PROCEEDINGS
OF THE
MACON COUNTY BOARD**

EMERGENCY MEETING

JUNE 03, 2020

**Kevin Greenfield
Chairman**

**Josh Tanner
Clerk**

The Chairman called the Emergency Special Board Meeting to order at 6:00 p.m.

COMMENT:

Mr. Greenfield: Mr. Greenfield asked Mr. Baggett to make a statement first.

Mr. Baggett: Mr. Baggett said just as a reminder to everyone participating telephonically and those in the room here, he asked that before they speak they need to be recognized by the Chair. They need to identify themselves so that it can be properly recorded in the minutes who is speaking, and please do not talk over anyone else.

Mr. Greenfield: Mr. Greenfield said the only thing that is on the agenda is the raises.

Mr. Baggett: Mr. Baggett said that was correct. They do need to call for any public comments that may have been submitted prior to the deadline today.

The Roll Call showed the following members present at the meeting: Mr. Greenfield, Mr. Jackson, Mrs. Kraft and Mrs. Little. The following members were present via telepresence: Mr. Bird, Mr. Brown, Mrs. Cox, Mr. Drobisch, Mr. Gresham, Mr. Hogan, Mr. Holman, Ms. Joy, Mr. Noland, Ms. Rood, Mr. Smith, Mrs. Taylor, Dr. Zimmerman.

Mrs. Taylor led the members in Prayer.

COMMENT:

Mr. Baggett: Mr. Baggett said before they moved on he wanted to read into the record that this meeting has been called as an Emergency Meeting pursuant to the Open Meetings Act Section 2.02. He wanted to put it into the record for purposes of just making sure they have historical record made as to what the basis for the emergency is. As the board well knows the only item on the agenda for this evening is the agenda item setting the salaries for those countywide elected officers to be elected this November and to take office on December 1, 2020. There is a local government statute that requires the county board to set the salary for those elected offices no less than 180 days prior to the beginning of the terms which would be June 4, or tomorrow. This meeting was originally called as a special meeting pursuant to the county's code, by 1/3 of the board members. It was originally called for Monday, June 1st. On the advice of the sheriff, his understanding was that the meeting was cancelled due to possible safety concerns with having a meeting that evening downtown in the county building. That pushed them into a situation where if the county board did not act prior to tomorrow, it may be in a position where it cannot act later as a result of the statute requiring the salaries to be set 180 days prior. That created the existence of a bona fide emergency necessitating county board action no later than tomorrow evening, necessitating the actual call of the meeting tonight.

Mrs. Dawson: Mrs. Dawson said she was present at the meeting (telephonically).

Mr. Greenfield: Mr. Greenfield said since Mrs. Dawson introduced this resolution he asked if she wanted to explain it and talk about it a little bit.

COMMENT:

Mr. Baggett: Mr. Baggett said before they address that there are two other agenda items that need to be called before the resolution. He didn't think there was anything they needed to address, but they needed to make sure they were called.

CITIZENS' REMARKS:

Mr. Tanner: Mr. Tanner stated the county had received no citizens' remarks prior to the meeting.

OFFICEHOLDER REMARKS:

Mr. Baggett: Mr. Baggett asked if any officeholder remarks were received by e-mail.

Mr. Tanner: Mr. Tanner said there were no officeholder remarks received by e-mail.

Mr. Baggett: Mr. Baggett asked if there were any officeholders present in the other room who wished to make comment before consideration of the resolution.

Mrs. Little: Mrs. Little said she would like it to be in the record that she was attending this meeting because she is a board member. However, her attendance in no way supports the calling of this meeting or the pretense under which it was called. Until today, she did not realize that a legitimate vote of this board, that doesn't turn out the way you want it to, constitutes an emergency. That's all.

Mr. Jackson: Mr. Jackson asked that in the event they don't establish a vote to set it, do they do it a third time tomorrow or....

Mr. Baggett: Mr. Baggett said there are a couple of ways this could work out from a legal perspective. The statute says that the county board shall set the salaries. That is a mandatory directory shall, by the statute. It means they have an obligation and a duty as a county board to set these salaries prior to the term's beginning. The prior resolution for the terms of the current officeholders will be expiring November 30th of this year. It was specific and said that those salaries were for the term beginning in 2016 and ending in 2020. So, there is a legal argument that the failure by the county board to do what it is required by statute to do, would mean that there would be no lawful mechanism for paying salaries to the people who are elected to hold these offices come November. He has his legal opinion. He has expressed to the chairman, affected officeholders as well as a couple other county board members in conversations with them, that he does believe that there is a defensible position by the county that in the event that it fails to adopt any resolution that as he said when this original resolution failed at the last county board meeting that the salary set for this fiscal year would carry over for the next four fiscal

years. That is a legal opinion and there is no precedent supporting it. There is no statutory language necessarily supporting it. But, it is his opinion that a court would hold that that is a valid way of approaching the situation. The easier mechanism would be for the county board to do what it is required by statute to do, and set the salaries so that they can forestall any such claim or argument being made in the event that the county board fails to do so.

Mr. Jackson: Mr. Jackson asked if it would be fair to say a motion to amend now, in the event that it is a no vote. That the salaries that are current could be set.

Mr. Baggett: Mr. Baggett said that is correct. His recommendation and advice to the board tonight is that it reach some ultimate, majority vote on some salary whether that is no increase or minimal increases in later years, but that they keep working at it until they figure out what it is that a majority of the board can agree to. He does believe they have a statutory duty to adopt it. He is happy to defend it if they don't, but he encouraged them to find that consensus.

Ms. Buckner: Ms. Buckner said she was present at the meeting (telephonically).

SPECIAL BUSINESS:

Mrs. Dawson: Mrs. Dawson said the purpose of her asking for a special meeting was not that she was trying to get any perceived outcome. She personally misunderstood the amendment and the process that took place at that particular meeting. She asked if it was possible to have another meeting. She has not tried to coax anybody or persuade anybody to have a particular outcome. Mrs. Dawson said she has one vote and she intends to use that one vote.

Mr. Greenfield: Mr. Greenfield said he had a resolution that he assumed she had put together. He asked if she was saying that she did not.

Mrs. Dawson: Mrs. Dawson said she was addressing the reason for having the meeting was not that she would have a perceived outcome. That was what she was addressing. She stated that she did not vote the way she intended to vote once she understood what the amendment was about and the whole process. Mrs. Dawson stated she misunderstood the process. That was what she was saying. She said yes there was something there for him.

Mr. Greenfield: Mr. Greenfield said he had the two resolutions they voted for in May. It was 0% the first year, 2%, 3% and 3%. Then there was an amendment on that motion to 0, 0, 0, 0. That was what they board voted on in May and they were both voted down. Now, he has two resolutions and he has no idea where they came from if they didn't come from Mrs. Dawson.

Mrs. Little: Mrs. Little asked if he had two.

Mr. Greenfield: Mr. Greenfield said he has 0, 1, 2, 2 and 0, 2.5, 2.5, 0.

Mrs. Kraft: Mrs. Kraft said she did not have that one.

Mr. Greenfield: Mr. Greenfield said then his question was, if Mrs. Dawson didn't put it together who did. Which one is the right one?

Mrs. Dawson: Mrs. Dawson said there are resolutions for them to vote on, and they can either vote it up or down.

Ms. Joy: Ms. Joy said they should vote, like they always do. There is never this much conversation when anyone else puts together a resolution. She said they should do what they are supposed to do as a board, put it forth for the vote.

Mr. Greenfield: Mr. Greenfield asked which one she would like to vote for.

Mr. Baggett: Mr. Baggett said he thinks the problem is that there is some confusion right now as to which resolution is being presented.

Ms. Joy: Ms. Joy said there was confusion last time when Linda Little put together the amendment. That was the confusion. So, could the board members know what resolutions are before us today to vote on?

Mr. Baggett: Mr. Baggett said that is what they are trying to determine.

Mrs. Kraft: Mrs. Kraft said she only had one.

Mr. Greenfield: Mr. Greenfield said he had two and both had June 1st on them.

Mrs. Reed: Mrs. Reed said she could clarify that. It was suggested that they set forth a couple of alternatives, which they did originally. She helped come up with it. Then it was also suggested that they just have one that they present, so they did away with one. The one that's left is the 0, 1, 2, 2 percentage increase. So, that is the one everyone probably received most recently.

Mr. Baggett: Mr. Baggett said in terms of how to proceed tonight, again the board just simply has to adopt something. Now, whether it adopts the first option that is given to it, that is entirely its call. If it fails, his suggestion to the board would be that somebody present a new proposal and that they keep voting on the proposals until they reach a majority vote. The first proposal, and this is for everyone in the room and everyone on the phone, is for a 0% increase in year one, a 1% increase in year two, a 2% increase in year three, and a 2% increase in year four. That is the resolution currently before the board, subject to someone moving for the question. Someone needs to move to vote on it.

MOTION

Mrs. Cox moved, seconded by Mrs. Dawson to approve the above stated amounts that were presented in a resolution to board members, proposing raises for officeholders elected to the term beginning in 2020 and ending in 2024.

There were no questions or comments from the board floor.

Mr. Greenfield: Mr. Greenfield asked if there were amendments.

Mr. Baggett: Mr. Baggett said they should stay away from amendments. If it gets voted down they could just move on and figure out a new set of numbers, as opposed to amendments.

Mr. Greenfield: Mr. Greenfield said he was going to put a...

Mr. Baggett: Mr. Baggett said he was asking for trouble if he does it that way. That is what happened the last time. That's how this all got messed up in the first place.

Mr. Greenfield: Mr. Greenfield said, so if it passes it passes.

Mr. Baggett: Mr. Baggett said if it passes, it passes.

Mrs. Cox: Mrs. Cox said they needed to call for the vote.

Mr. Baggett: Mr. Baggett said if anyone wished to move to amend that is certainly well within their rights.

It was asked how long the floor would stay open.

Mr. Greenfield: Mr. Greenfield said the motion has been made and seconded. He asked if there were any more questions. There were none.

ROLL CALL.

Ayes: Bird, Buckner, Cox, Dawson, Gresham, Holman, Joy, Kraft, Rood, Taylor, Zimmerman

Nays: Brown, Drobisch, Greenfield, Hogan, Jackson, Little, Smith

AYES = 11

NAYS = 7

MOTION CARRIED. (NOLAND DID NOT RESPOND WHEN ASKED FOR HIS VOTE)

MOTION TO ADJOURN

Mrs. Little moved, seconded by Mr. Jackson to adjourn the meeting.

MOTION CARRIED.

Meeting adjourned at 6:19 p.m.