

Graysville Board of Mayor and Commissioners
Graysville Municipal Building
March 25, 2015 8:30 p.m.

Call to order by Mayor Ted Doss

Prayer led by Mayor Doss

Pledge led by Mayor Doss

Roll Call:

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| Mayor Ted Doss | Present |
| Vice Mayor Denesa Reel | Present |
| Commissioner Andy Beene | Present |
| Commissioner Charles Kaylor | Present |
| Commissioner Michael May | Present |

Mayor Doss "Somebody have the agenda?"

Commissioner Beene "I think why this was called mayor was we heard they hired a new police chief and we just need to see if we can't resolve that because I talked to Tracey last week about having a called meeting to meet with Ed in an executive session and she said she got feedback that no one wanted to have one and then when I heard yesterday that she had hired a police chief I said we need to have a meeting to get this worked out. If she is not going to inform us and she may have informed yall and just didn't inform me that she hired someone we need to be the ones doing the hiring and terminating and I move we take care of hiring and firing authority."

Mayor Doss "I need to see an agenda."

Commissioner Kaylor "This is what was sent to me (hands mayor a paper)."

Mayor Doss "We would like to view the applications and discuss the power a chief would have, is that correct?"

Vice Mayor Reel "Yes."

Mayor Doss "Okay, so view the applications. Do we have the applications? Okay well if you don't have the applications then you can't view them. Discuss the power a chief would have?"

Vice Mayor Reel "I agree with Andy that the hiring and firing should be left up to the board otherwise we have no say what so ever on anything I believe it should be left up to the board to make the final decision. I think

the city recorder can make suggestions to the board but the board make the final decision."

Mayor Doss "I'm going to take us back about four months ago it was voted on that we give the city recorder full power of hiring and firing and she has been doing both since then. So what makes this any different than any other position? Everybody knew she was doing interviews."

Commissioner Beene "Did she hire someone?"

Mayor Doss "Yes."

Commissioner Beene "Was you told?"

Mayor Doss "Yes."

Commissioner Beene "Where you told Michael?"

Commissioner May "I was told she had narrowed it down to two people."

Commissioner Beene "Where you told Nesa?"

Vice Mayor Reel "Not till I ask her."

Commissioner Beene "Where you told Charles?"

Commissioner Kaylor "After I ask?"

Commissioner Beene "I have not been told by anybody. My motion still stands."

Vice Mayor Reel "And I second that."

Mayor Doss "It's not on the agenda to vote on anything it's to review and discuss. When you call a special called meeting your supposed to have an agenda and nothing else can be added to that agenda is that correct?"

City Attorney Ed Boring "That's correct. You folks can take this issue up later but you can't bring it up tonight."

Mayor Doss "I want to continue with a discussion: David Frechette what time was you notified yesterday?"

Police Chief David Frechettee "5:30 sir."

Mayor Doss "Okay 5:30 and you said Tracey had talked to you about it?"

Commissioner May "We talked at 3:00 and she had narrowed it down to two people."

Mayor Doss "Okay alright. I called Tracey last night after 9:00 after I got second email from vice mayor and she said she did final interviews yesterday and Brad Harris was here they were working on the budget all the way up till closing time and she told me that's when she called David after city had closed and told him he had the position for him to report in to work today and then she went to revival. I just don't understand why you give somebody full power back and then when they do their job then you want to take it back from them because of possibly the person they hired that you wanted somebody else in that position. Yes Andy on the 17th she sent out an email to all of us and two of use responded to it."

Vice Mayor Reel "I didn't get that email till yesterday."

Mayor Doss "Well I don't understand why you didn't get it till yesterday."

Vice Mayor Reel "My email has been down."

Mayor Doss "Because the email you responded to was on that email."

Vice Mayor Reel "Right I got it yesterday."

Mayor Doss "Again I don't understand why you the vice mayor was the one who made the motion to give her full power back."

Vice Mayor Reel "And when I did that I was my meaning of that was that she would make suggestions to the board but that we had the final say. That she could do the interviews and bring her suggestions to us and then we go over applications and be the ones to make final decision."

Mayor Doss "Well you can do that at 90 days in the review."

Commissioner Beene "I think in our charter mayor and Ed may have to correct is it says subject to board approval, is that correct?"

City Attorney Boring "One of her powers is she can recommend to the board the employment, dismissal, promotion or demotion of any employee and the other is she can temporarily employ or temporarily suspend employees that's her powers. So if she hires someone full time or whatever that's up to the board it's to go in front of board they have to approve it."

Commissioner Beene "That's why we are here tonight, thank you."

Mayor Doss "So, when she terminates it has to come in front the board or it has the option to."

City Attorney Boring "It says temporarily employ or temporarily suspend employees so I think it would have to come to board."

Mayor Doss "Have to or if the board wants it to?"

City Attorney Boring "I think the board wants it to. Any action she takes can stay the way it is unless it is brought before the board and voted on by the commission."

Commissioner Kaylor "What about when this board with the exception of one voted to give her full power to hire and fire that was a board decision does it not have to come back before the board to change that?"

City Attorney Boring "No because you have a charter. The only way you can change the charter is by ordinance and I think it even has to go to the legislature."

Commissioner Beene "You're correct, thank you."

Commissioner Kaylor "Okay she has already hired this man and he has probably done left his other job what now? That's a law suit again."

City Attorney Boring "Her only power is to do that temporarily and I'm reading the charter."

Mayor Doss "So I'm going to go back; she has hired several people since given the authority so when she hires a part time for back of garbage truck it has to go on agenda or call a special called meeting to hire that person thru the board then or to approve the hiring."

City Attorney Boring "You can do it one of two ways and I don't know how you have done it in the past but she only has power to hire somebody temporarily unless it comes to board and they approve it and what you guys have probably done in the past is allow her to hire people and it's never been in front of board and that's fine but if somebody brings it before the board its temporarily."

Mayor Doss "Six years and we have never questioned whether it's the head of department in the past or the city recorder when an opening came up they just hired them and then we took back where everybody had to come in front of us and sometimes it would take months to get it done. So from what your saying there's no action that can be taken tonight, no voting just discussion?"

City Attorney Boring "Correct."

Commissioner Kaylor "If that be the case I don't remember several of our workers mainly police department ever coming before the board to get hired. Then that means we don't legally have a police department period correct?"

City Attorney Boring "They are still hired temporarily like I said if you don't bring it in front of board you can assume the board has yessed them. According to your charter she should come up here each month and say I have hired so and so and I have fired so and so you can approve it or disapprove it. That's how I think you should do it."

Commissioner Beene "That's how we have done it a lot of times."

Commissioner Kaylor "Not all the time."

Commissioner Beene "Not all the time but a lot of times. Anytime there's any questioning if has to come before the board. The board has final say yea or na on hiring and firing."

Vice Mayor Reel "So in order to make this right Mr. Boring we should put it on agenda for the next meeting."

City Attorney Boring "Yes."

Vice Mayor Reel "And then we can vote then."

City Attorney Boring "Yes according to your charter that's how I read it."

Commissioner Beene "But on a called meeting we can still make motions and vote?"

City Attorney Boring "When you call a meeting you're supposed to give notice to ever board member, post it in three places, that notice should also contain with specifically what you're going to consider in that meeting that means the exact questions, and that's all you can do. You can't take action

on anything but what you put in there. Now the notice we seen the one that's been posted is this you guys saw this on door when you came in if you want to look at this conservatively then you really can't do anything tonight because it doesn't have anything on it. I understand the board needs notice but the public is entitled to this also under sunshine law."

Commissioner Kaylor "She hired him temporarily does he still have his job right now?"

City Attorney Boring "He has a job until it comes before the board and they decide one way or another."

Mayor Doss "I'm going to ask David if he will step up here just a second. If you will let the board know all your actions that have been done, who's been contacted all that stuff."

Police Chief David Frechette "This morning came I came in and did my paperwork."

Commissioner Beene "I got a question for you David."

Police Chief Frechette "Go ahead sir."

Commissioner Beene "Who did you report to this morning?"

Police Chief Frechette "Reported to Michele."

Commissioner Beene "Michele is not in charge of police department."

Police Chief Frechette "No I'm hired to be in charge of the police department."

Commissioner Beene "You want as long as I got to vote. I make a motion he is not our chief."

Commissioner Kaylor "Not on the agenda."

Mayor Doss "Go ahead I'm sorry."

Police Chief Frechette "I did my new hire paperwork, went to courthouse and got sworn in, checked with post to make sure I was in compliance then started cleaning the office up from all the flies laying in the floor."

Commissioner Beene "Each police officer should have been notified and each commissioner should have been notified of this action. Tonight's the first I heard of even that."

Mayor Doss "I'm pretty sure that you were told somethings today."

Commissioner Beene "I was told what mayor?"

Mayor Doss "Well, that he was here today."

Commissioner Beene "Well, you were told yesterday."

Mayor Doss "I was told late last night."

Commissioner Beene "Lack of communication."

Mayor Doss "I appreciate you coming in today and getting things straighten out with post and did I hear you say you got sworn in?"

Police Chief Frechette "Yes sir."

Mayor Doss "Looks like you will be on the agenda of the next city meeting."

Police Chief Frechette "That's fine sir."

Mayor Doss "Thank you."

Commissioner Beene "My motion still stands but I know you don't to recognize it mayor but this is very serious we can't keep operating like this with lack of communication."

Mayor Doss "Well everybody here heard the attorney there is no voting tonight at all, you can make your motions and get them second but I'm not calling for a vote."

Commissioner Beene "I'll call for a second."

Vice Mayor Reel "I'll second it but were not going to get to vote on it."

Commissioner Beene "Well we need to have a called meeting as soon as possible Ed and how soon can we call a meeting? Since we are all here we all got notified somehow."

City Attorney Boring "I understand what you're saying but you got follow the steps."

Commissioner Beene "That's what I'm doing trying to follow protocol."

City Attorney Boring "You can do it within three days."

Commissioner Beene "Three days, today is Wednesday."

City Attorney Boring "Saturday would be the earliest you could do it."

Commissioner Beene "Whatever is convenient for the board, Saturday or Monday. We need to get this resolved we don't need to keep people in limbo."

Vice Mayor Reel "Saturday is fine with me if it's fine with the rest of you."

Mayor Doss "That's the day I go to church."

Vice Mayor Reel "Monday will be fine with me."

Mayor Doss "Just to let everybody know tomorrow at 9:30 am packets for fire department will be open. And I am a great grandpa today her name is Savannah."

Crowd Applauds

Commissioner Kaylor "Mr. Boring, according to our charter for a called meeting how do they have to be delivered?"

City Attorney Boring "It says by personally delivering to each board member."

Commissioner Kaylor "Because awhile back they were sent by email and we had a commissioner gripping and complaining that he couldn't get them. I wouldn't have known about this one if someone hadn't called and said check your email."

Mayor Doss "You need an agenda, it posted at three locations and hand deliver it."

City Attorney Boring "That's correct."

Vice Mayor Reel "So we have to hand deliver it even though we are all here?"

City Attorney Boring "That's what it says. It's your charter guys."

Vice Mayor Reel "Can we have an officer deliver it?"

City Attorney Boring "Yes."

Mayor Doss "Thanks for coming out."