

# COUNTY COMMISSION-CALLED SESSION

**APRIL 8, 2013**

BE IT REMEMBERED THAT:

COUNTY COMMISSION MET PURSUANT TO ADJOURNMENT IN CALLED SESSION OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS THIS MONDAY EVENING, APRIL 8, 2013, 7:00 P.M. IN BLOUNTVILLE, TENNESSEE. PRESENT AND PRESIDING WAS HONORABLE STEVE GODSEY, COUNTY MAYOR, JEANIE GAMMON, COUNTY CLERK OF SAID BOARD OF COMMISSIONERS,

TO WIT:

**The Commission was called to order by Mayor Steve Godsey. Sheriff Anderson opened the commission and Comm. Matthew Johnson gave the invocation. The pledge to the flag was led by Sheriff Anderson.**

COMMISSIONERS PRESENT AND ANSWERING ROLL WERE AS FOLLOWS:

<b>CATHY ARMSTRONG</b>	<b>TY BOOMERSHINE</b>
<b>MARK BOWERY</b>	<b>BRYAN BOYD</b>
<b>LINDA BRITTENHAM</b>	<b>MO BROTHERTON</b>
<b>DARLENE CALTON</b>	<b>JOHN K. CRAWFORD</b>
	<b>JOHN GARDNER</b>
<b>TERRY HARKLEROAD</b>	<b>BAXTER HOOD</b>
<b>DENNIS HOUSER</b>	<b>MATTHEW JOHNSON</b>
<b>BILL KILGORE</b>	<b>DWIGHT KING</b>
<b>ED MARSH</b>	
<b>RANDY MORRELL</b>	<b>BOB NEAL</b>
<b>PATRICK W. SHULL</b>	<b>MIKE SURGENOR</b>
<b>R. BOB WHITE</b>	<b>EDDIE WILLIAMS</b>

22 PRESENT 2 ABSENT (ABSENT-FERGUSON, MCCONNELL)

**The following pages indicates the action taken by the Commission on re-zoning requests, approval of notary applications and personal surety bonds, motions, resolutions and other matters subject to the approval of the Board of Commissioners.**

April 8, 2013  
Sullivan County Commission  
Presentation to the

Mandate 4-8-13

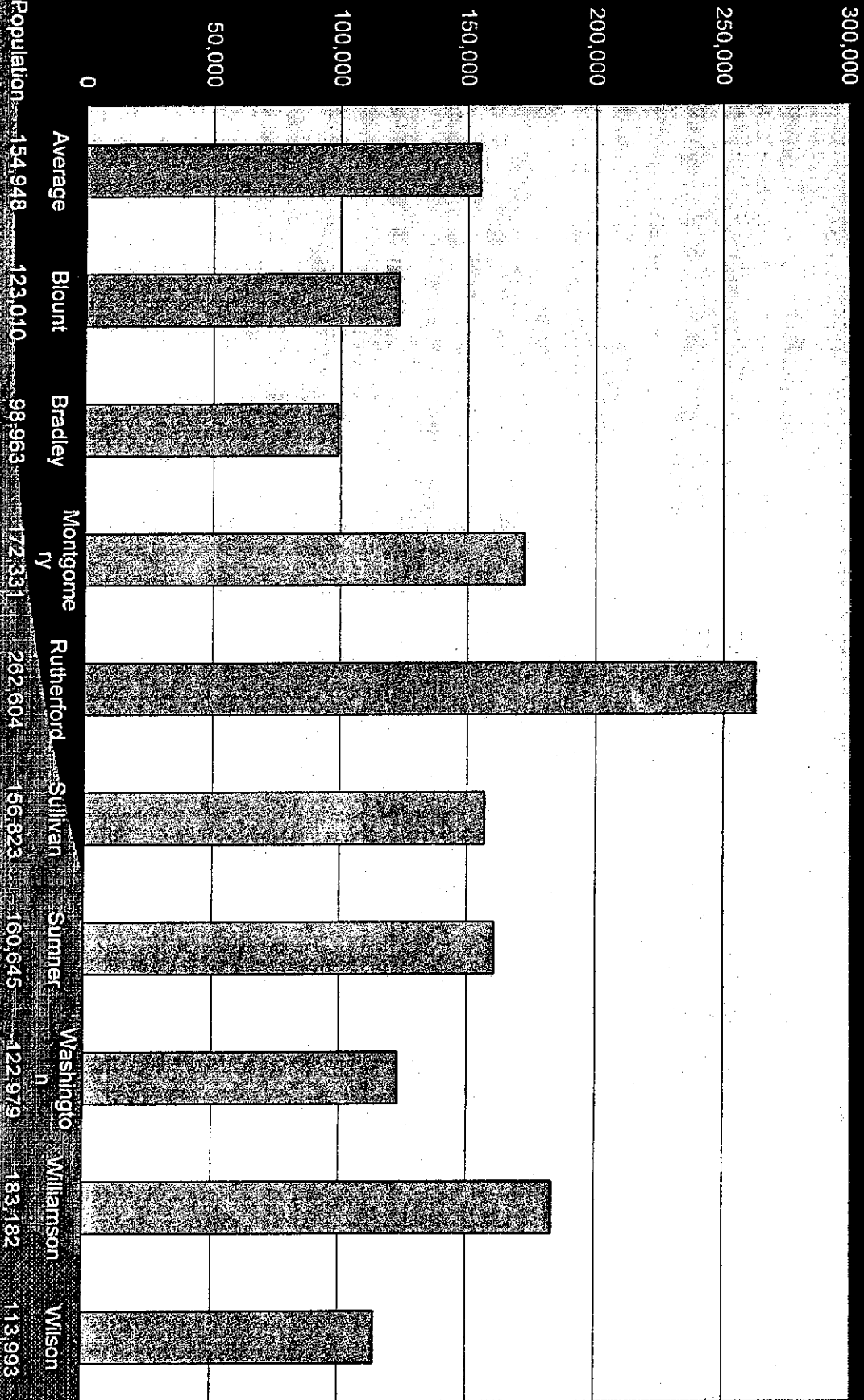
# County Comparison Total Population

In order to determine if staffing is adequate in the Sullivan County Sheriff's Office, a comparison was made to counties that were closest to Sullivan County demographics. The comparison counties included 4 larger and 4 smaller in population to Sullivan County. Sullivan County's population is within 2% of the average population of the comparison counties.

# Total Population

Line Item #3

Sullivan County is within 2% of the average population; Sullivan County Sheriff's Department has the same citizen responsibility as the comparable average.



# Net Population

(Minus Municipal Populations)

The population was further divided based on police agency responsibility.

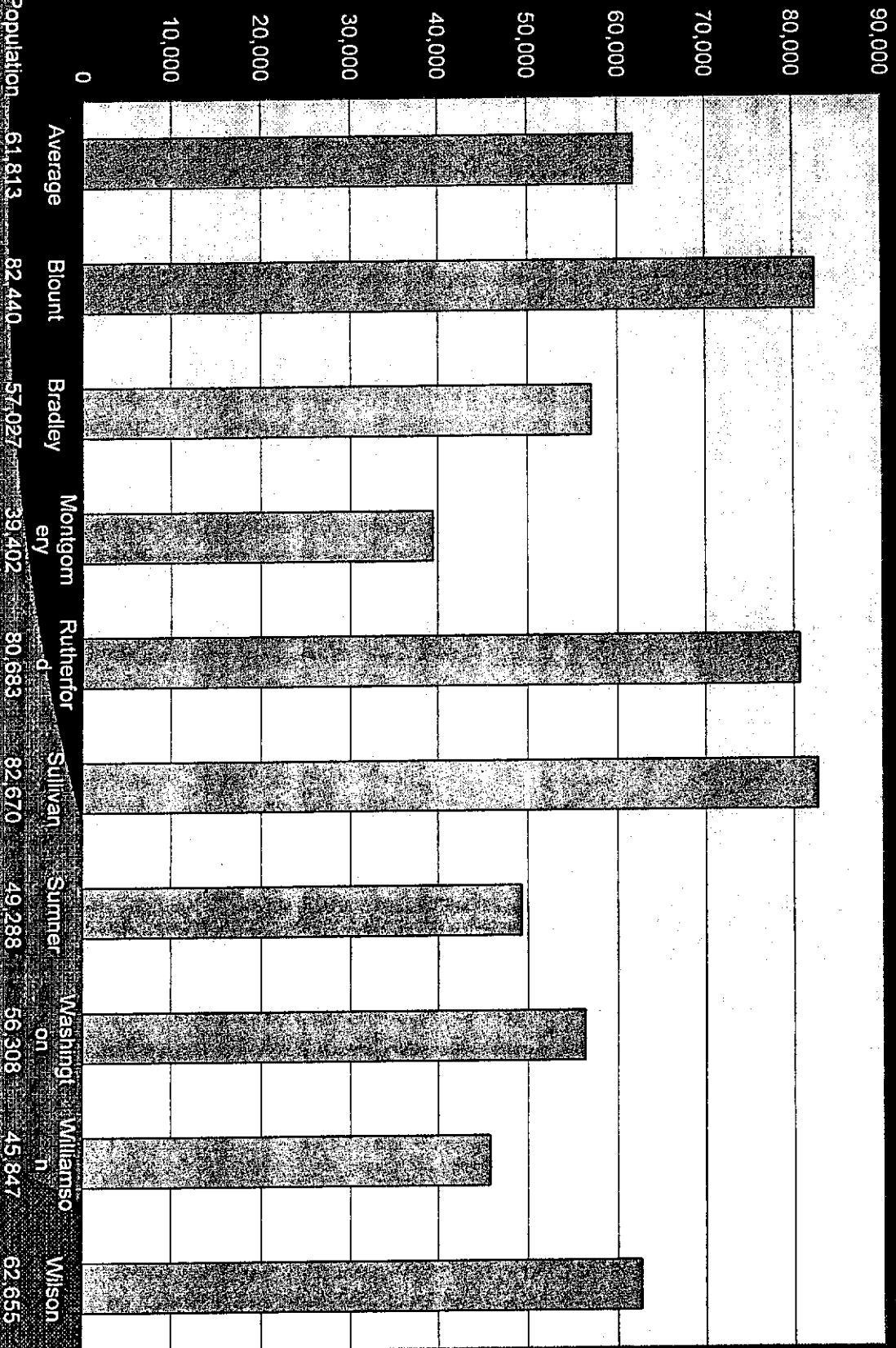
The municipal population that is covered by another police agency was removed resulting in a *net population* that is covered by the County Sheriff

Departments. Sullivan County deputies are responsible for 34% more citizens than average.

# Net County Population

Line Item #4

Sullivan County is responsible for 34% more citizens in their jurisdiction than the average.



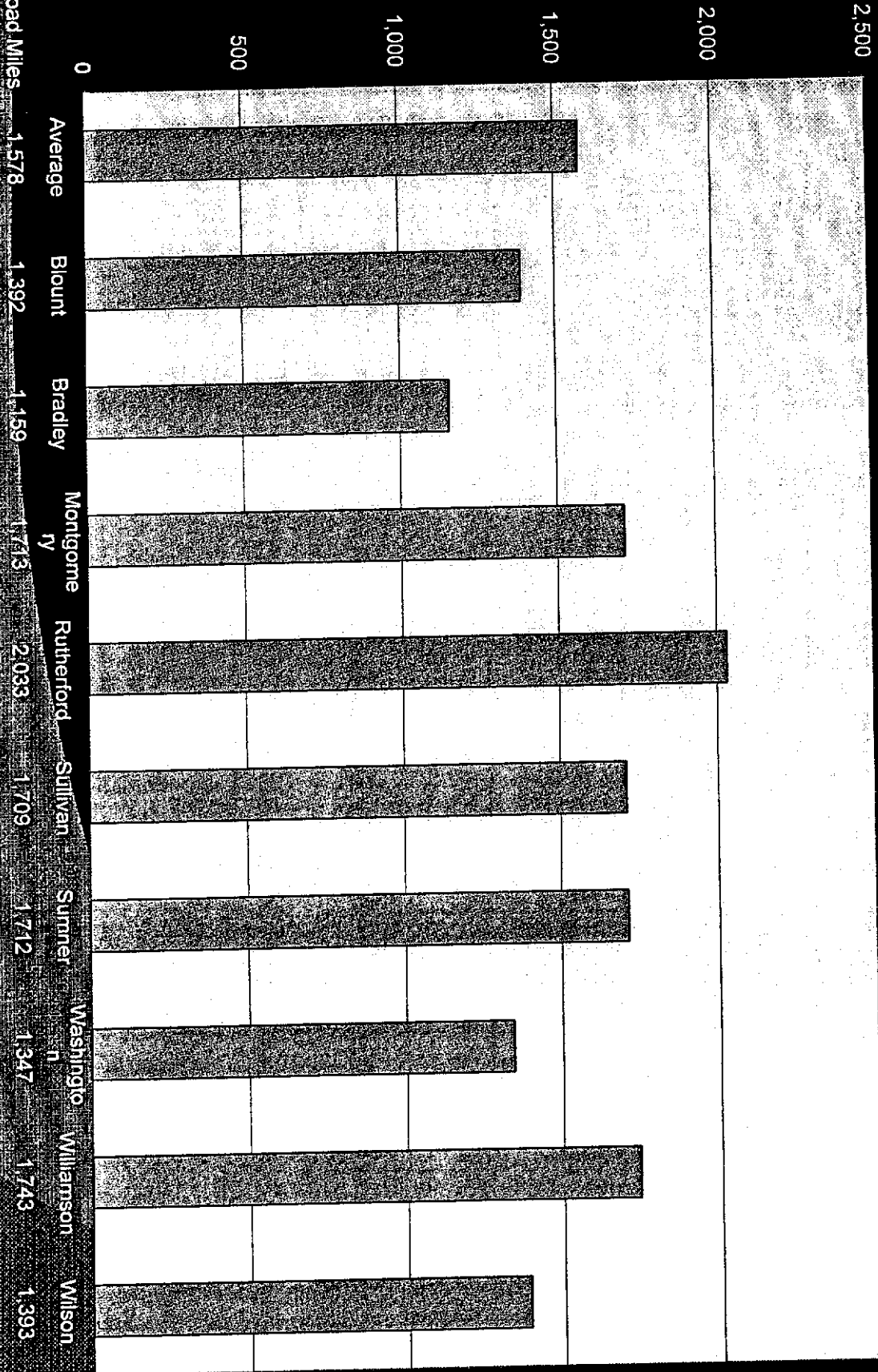
# Total County Road Miles

Sullivan County Sheriff's Department  
has 8% more total road miles than the  
comparable average.

# Total County Road Miles

Line Item #6

Sullivan County Sheriff's Department has 8% more total road miles than the comparable average.





# Total Employees- Sworn & Support

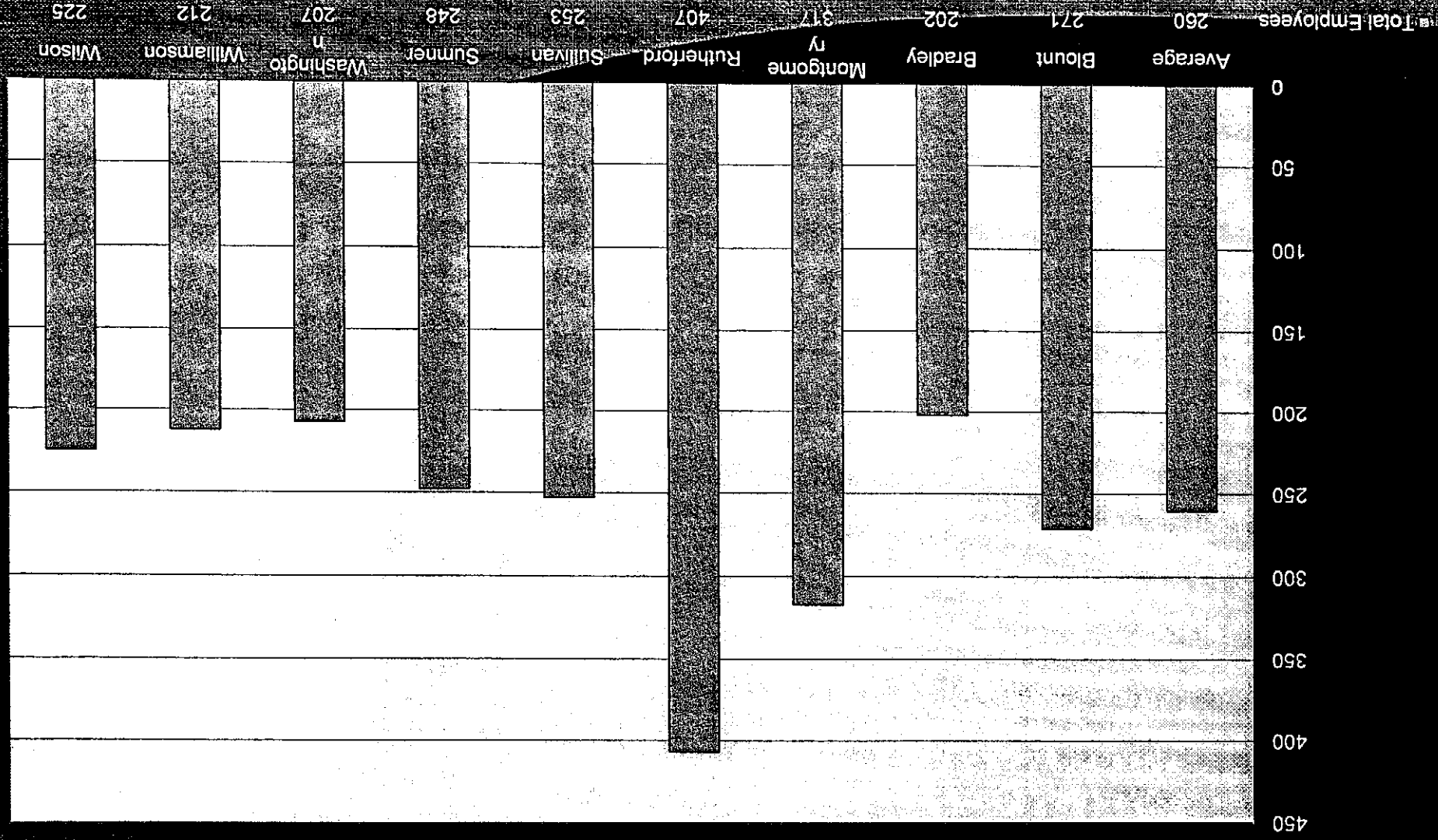
Based on the number of full-time law enforcement employees reported to the FBI in the annual Uniform Crime Reports (UCR), Sullivan County has 3% less total employees than the comparable average. Sullivan County has 7% less civilian/support employees than the comparable average.

An assessment by Dr. Larry Miller, ETSU reports 88 sworn employees in the Sullivan County Sheriff's Office. This indicates that Sullivan County has 17% less sworn officers than comparable average.

# Total Employees (Sworn & Support)

Line Item #8

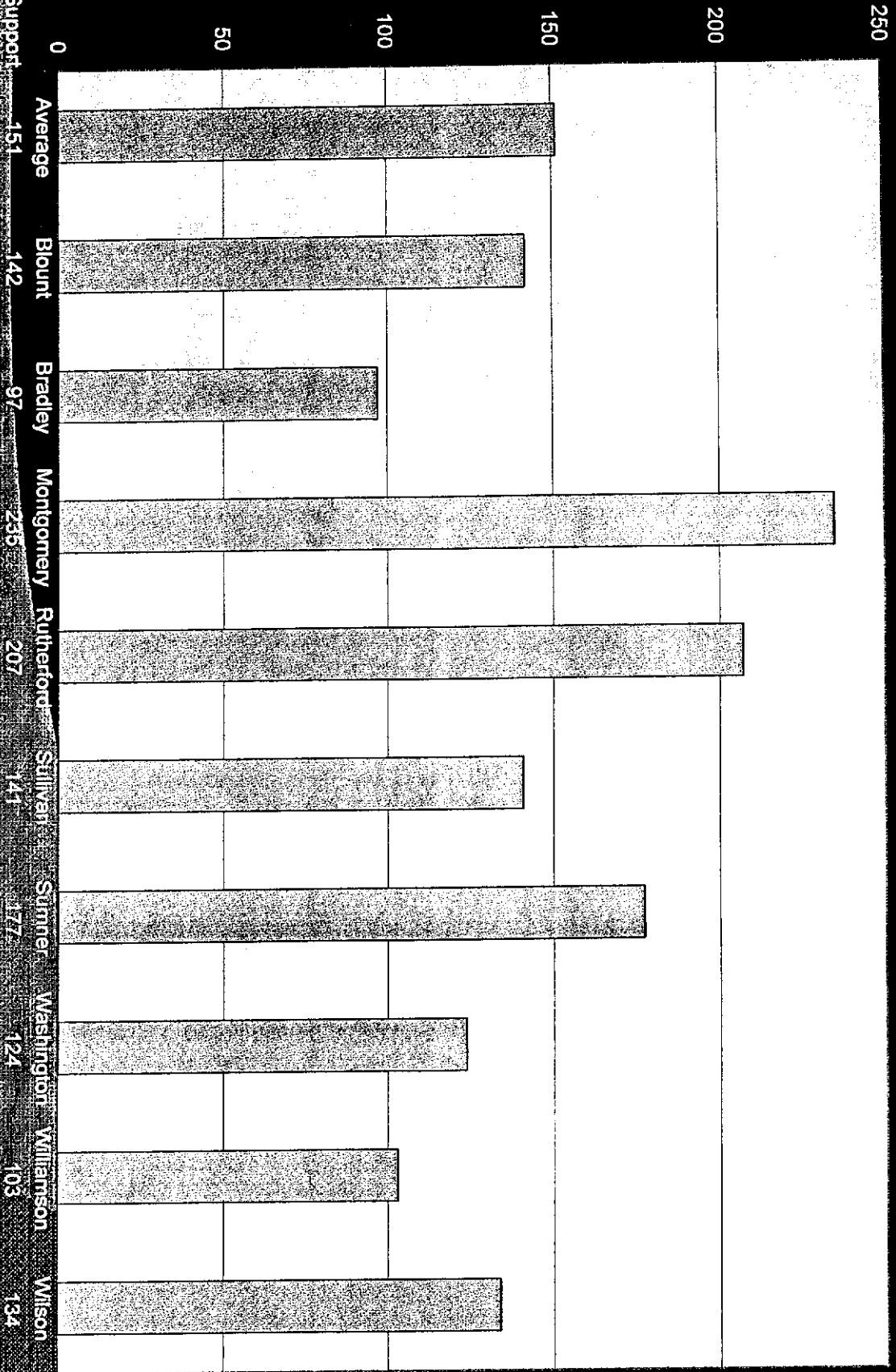
Sullivan County Sheriff's Department has 3% less employees than the comparable average.



# Total Civilian/Support Employees

Line Item #10

Sullivan County Sheriff's Department has 7% less civilian/support employees.



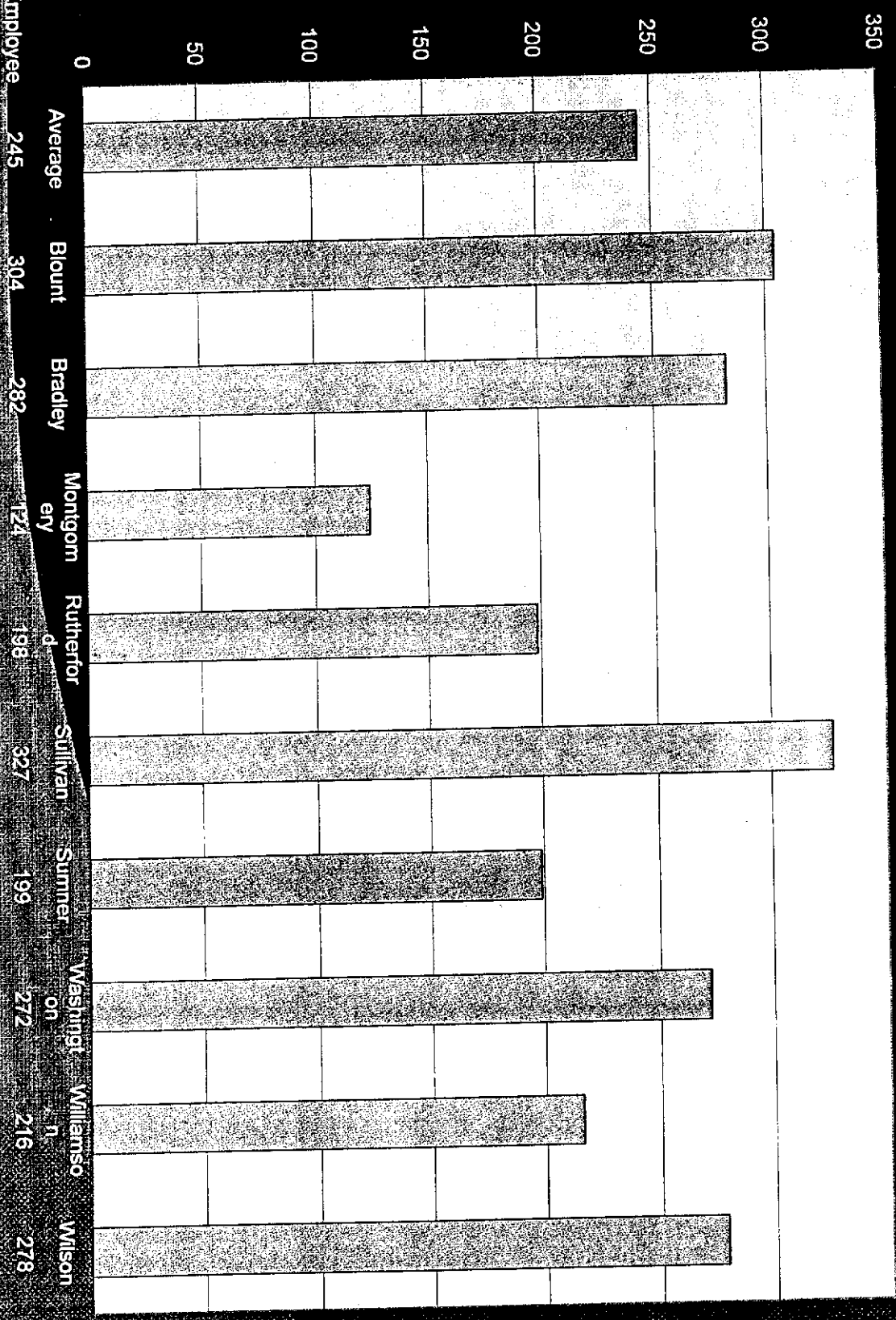
# Ratio of Citizen per Employee

An analysis of citizen/employee ratios showed that the Sullivan County Sheriff's Office has 34% more citizens per employee than the comparable average.

# Ratio of Citizens Per Employee Minus Municipal Populations

Line Item 17

The average department has 34% less citizens per employee than the Sullivan County Sheriff's Department.



# Total Crimes Reported to the TBI

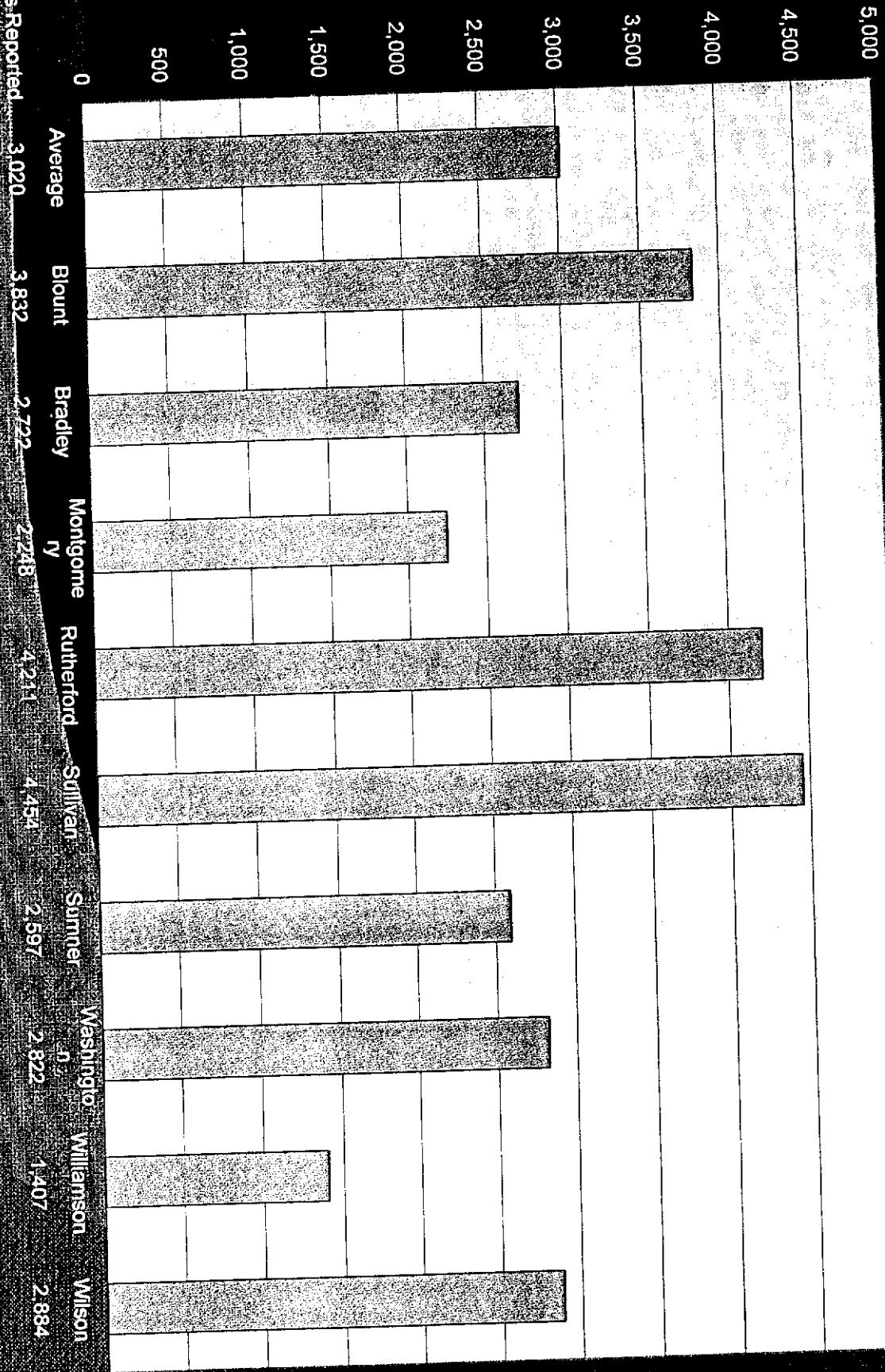
Sullivan County has 32% more crimes reported than the comparable average.

The Sullivan County Sheriff's Department reported 3% less crimes cleared than the comparable average.

# Total Crimes Reported to TBI

Line Item 21

Sullivan County had 32% more crimes than the comparable average.

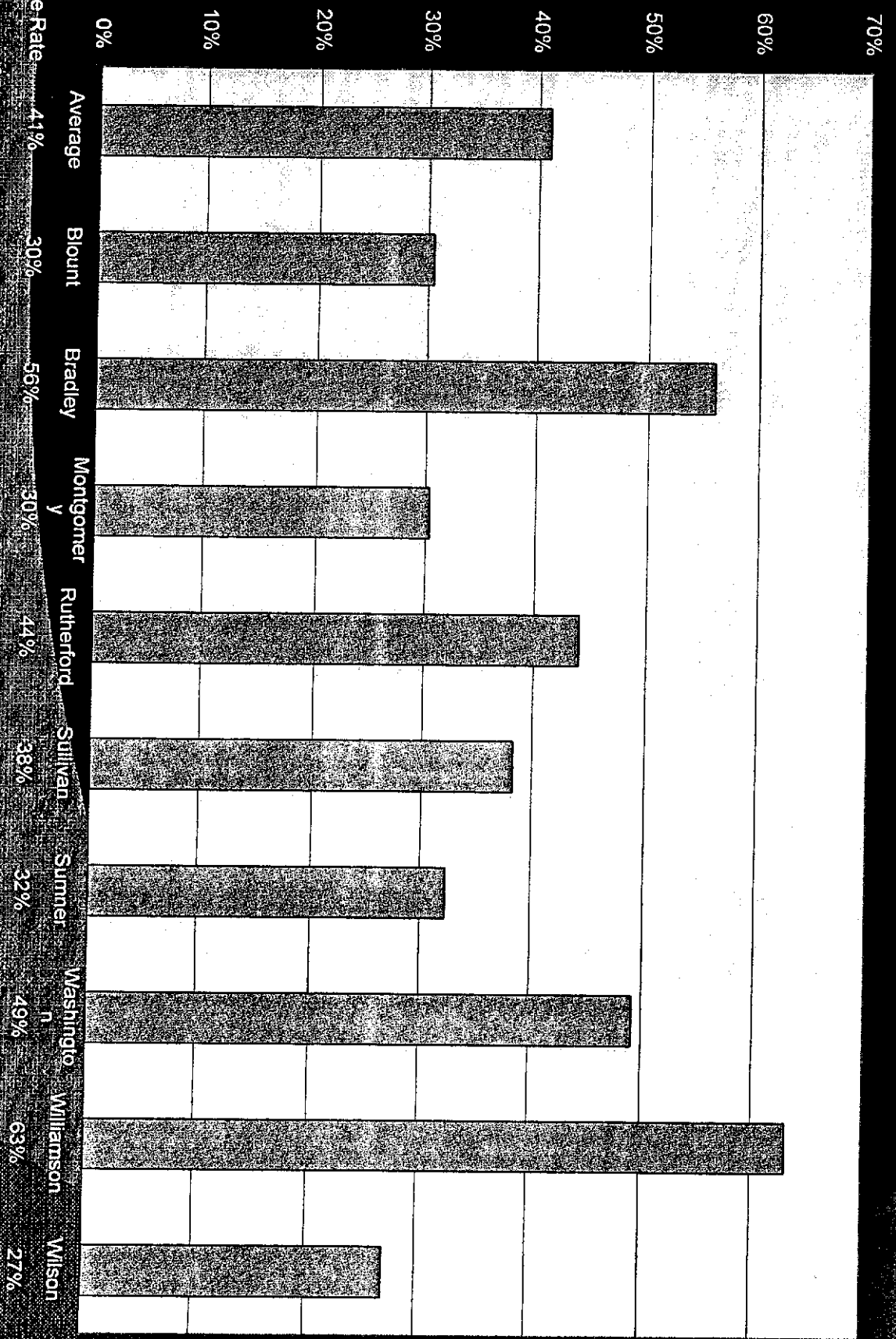




# Overall Clearance Rate of Crimes Solved

Line Item #23

Sullivan County's clearance rate was 3% lower than the comparable average.





**CURRENT 2012**

**KNOX COUNTY**

	Minimum	Midpoint	Maximum
Chief Deputy	\$65,484	\$87,987	\$110,491
Sheriff's Captain	\$51,870	\$69,695	\$87,519
Sheriff's Lieutenant	\$43,550	\$58,517	\$73,483
Sheriff's Investigator Sgt	\$42,130	\$51,869	\$61,608
Sheriff's Sergeant	\$42,130	\$51,869	\$61,608
Sheriff's Investigator	\$42,130	\$51,869	\$61,608
Sheriff's Corporal	N/A	N/A	N/A
Sheriff's Deputy	\$33,371	\$41,085	\$48,799
Detention Captain	\$43,550	\$58,517	\$73,483
Detention Lieutenant	\$42,130	\$51,869	\$61,608
Detention Sergeant	\$35,373	\$43,550	\$51,728
Detention Corporal	\$31,482	\$36,678	\$46,037
Detention Officer	\$28,812	\$33,733	\$38,654

**RUTHERFORD COUNTY**

	Minimum	Midpoint	Maximum
	\$61,450	\$73,546	\$85,643
	\$49,000	\$58,637	\$68,274
	\$43,740	\$52,349	\$60,958
	\$39,060	\$46,743	\$54,426
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	\$34,870	\$41,733	\$48,596
	\$34,870	\$41,733	\$48,596
	\$31,140	\$37,263	\$43,386
	\$49,000	\$58,637	\$68,274
	\$43,740	\$52,349	\$60,958
	\$39,060	\$46,743	\$54,426
	\$34,870	\$41,733	\$48,596
	\$27,800	\$33,268	\$38,736

**HAMILTON COUNTY**

	Minimum	Midpoint	Maximum
	\$78,060	\$97,574	\$117,089
	\$62,504	\$78,131	\$93,757
	\$53,897	\$67,372	\$80,846
	\$47,637	\$59,547	\$71,456
	\$43,157	\$53,946	\$64,736
	\$41,078	\$51,347	\$61,616
	\$37,214	\$46,518	\$55,821
	\$35,421	\$44,276	\$53,132
	\$59,493	\$74,366	\$89,239
	\$50,049	\$62,561	\$75,074
	\$39,098	\$48,873	\$58,647
	\$33,174	\$42,143	\$50,571
	\$32,090	\$40,112	\$48,135

**MONTGOMERY COUNTY**

	Minimum	Midpoint	Maximum
	\$57,599	\$69,450	\$81,300
	\$48,230	\$58,169	\$68,108
	\$45,145	\$54,457	\$63,770
	\$40,695	\$49,080	\$57,465
	\$37,274	\$44,988	\$52,702
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	\$34,747	\$41,947	\$49,147
	\$32,176	\$38,816	\$45,457
	\$48,230	\$58,169	\$68,108
	\$45,145	\$54,457	\$63,770
	\$37,274	\$44,988	\$52,702
	\$34,747	\$41,947	\$49,147
	\$32,176	\$38,816	\$45,457

RED indicates less pay compared to Montgomery County.

GREEN indicates more pay than Montgomery County.

**KNOX COUNTY**

	Minimum	Midpoint	Maximum
Chief Deputy	\$7,885	\$18,537	\$29,191
Sheriff's Captain	\$3,640	\$11,526	\$19,411
Sheriff's Lieutenant	(\$1,595)	\$4,060	\$9,713
Sheriff's Investigator Sgt	\$1,435	\$2,789	\$4,143
Sheriff's Sergeant	\$4,856	\$6,881	\$8,906
Sheriff's Investigator	\$4,856	\$6,881	\$8,906
Sheriff's Corporal	N/A	N/A	N/A
Sheriff's Deputy	\$1,195	\$2,269	\$3,342
Detention Captain	(\$4,680)	\$348	\$5,375
Detention Lieutenant	(\$3,015)	(\$2,588)	(\$2,162)
Detention Sergeant	(\$1,901)	(\$1,438)	(\$974)
Detention Corporal	(\$3,265)	(\$5,269)	(\$3,110)
Detention Officer	(\$3,364)	(\$5,083)	(\$6,803)

**RUTHERFORD COUNTY**

	Minimum	Midpoint	Maximum
	\$3,851	\$4,096	\$4,343
	\$770	\$468	\$166
	(\$1,405)	(\$2,108)	(\$2,812)
	(\$1,635)	(\$2,337)	(\$3,039)
	\$1,786	\$1,755	\$1,724
	(\$2,404)	(\$3,255)	(\$4,106)
	\$123	(\$214)	(\$551)
	(\$1,036)	(\$1,553)	(\$2,071)
	\$770	\$468	\$166
	(\$1,405)	(\$2,108)	(\$2,812)
	\$1,786	\$1,755	\$1,724
	\$123	(\$214)	(\$551)
	(\$4,376)	(\$5,548)	(\$6,721)

**HAMILTON COUNTY**

	Minimum	Midpoint	Maximum
	\$20,461	\$28,124	\$35,789
	\$14,274	\$19,962	\$25,649
	\$8,752	\$12,915	\$17,076
	\$6,942	\$10,467	\$13,991
	\$5,883	\$8,958	\$12,034
	\$3,804	\$6,359	\$8,914
	\$2,467	\$4,571	\$6,674
	\$3,245	\$5,460	\$7,675
	\$11,263	\$16,197	\$21,131
	\$4,904	\$8,104	\$11,304
	\$1,824	\$3,885	\$5,945
	(\$1,573)	\$196	\$1,424
	(\$86)	\$1,296	\$2,678

**MONTGOMERY COUNTY**

	Minimum	Midpoint	Maximum
	\$57,599	\$69,450	\$81,300
	\$48,230	\$58,169	\$68,108
	\$45,145	\$54,457	\$63,770
	\$40,695	\$49,080	\$57,465
	\$37,274	\$44,988	\$52,702
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April 4, 2013

Sullivan County Commissioners

RE: Sheriff Wayne Anderson versus County Mayor Steve Godsey  
Sullivan County Circuit Court Docket Number C3563

Dear Commission Members:

Attached hereto is a copy of proposed settlement terms which are recommended by counsel for the respective officials.

I want each of you to know that I am honored by the opportunity to represent Mayor Godsey which in my mind and clearly in the mind of Mayor Godsey constitutes a representation of the best interests of Sullivan County and its legislative body.

I believe the reason Mayor Godsey called our offices and inquired if we would undertake this representation resulted from Mayor Godsey's appropriate consultation with government officials across our state and obtaining recommendations which would, in Mayor Godsey's opinion, provide representation consistent with the experience, training, actual trial, and consultation in cases involving the exact issues which are present here.

When we began this litigation, you were confronted with a lawsuit potentially involving a judgment against Sullivan County in the amount of some 9.9 Million Dollars. As a result of our initial presentation of authorities and memorandum of law as well as motions to dismiss, the Honorable Judge Beckner struck the great majority of the Sheriff's complaint and reduced the exposure to less than 3 Million Dollars. Since our last meeting, the Judge has ordered that that portion of the Sheriff's complaint which seeks to institute a far reaching and long-ranging pay plan is stricken.

The issues remaining are:

1. The 5% pay increase sought by the Sheriff's Department leaves us with an exposure of some \$563,000.

2. A \$192,000 capital outlay request consist of \$100,000 for a security fence, \$15,000 for an emergency manually operated gate, \$77,000 in repair cost regarding allegations of key pumps, kitchen equipment and laundry equipment as well as vehicles for transportation of inmates.
3. \$292,000 for automobiles, guns, computers, radios and other equipment expenditures.
4. An additional \$100,000 for supplies including fuel for the operation of patrol vehicles.
5. \$134,000 for contracted services over and above the amount approved by the Commission to enable plaintiff to cover the cost of inmate care and to repair alleged aging jail equipment.
6. \$68,600 for additional overtime anticipated for patrol purposes and service of process.
7. \$128,000 for overtime for detention officers.
8. \$364,000 for health insurance coverage for law enforcement employees.
9. \$206,000 for health insurance coverage for the jail employees.

The total sum of the existing claim is \$2,047,600.

The research by my assistants who work on these kinds of cases, the body of information which I have from representing other counties and advising Sheriffs in certain counties has led me to arrive at a probable result.

Though I have enjoyed my visits to Sullivan County, meeting with you, meeting with prospective witnesses and consulting with Mayor Godsey, it is my job to try to give you the best advice possible and to try to save the citizens of Sullivan County as much money as possible while ensuring that sufficient funds are available to the Sheriff so as to avoid an adverse judgment.

In arriving at an agreement which I can recommend to you, I have considered every factor of which I have knowledge. Regrettably, I have never been confronted with a circumstance such as the one which has been presented by your elected County Attorney.

At the same time, I do not wish to in any way raise the minute and unwarranted potential that your County would be liable for some action under the "Sunshine Law."

I sincerely believe and have authority to support the position that my meeting with you under an attorney-client basis would not violate the Sunshine Law. The Commission and Sullivan County Government is the real party in interest in these matters and initially they were sued. I can now tell you that because of the failure to serve process and because the Writ of Mandamus is a separate action as I outlined in my initial appearance, the Court has stricken the Petition for the Writ of Mandamus. This striking of the Petition for the Writ of Mandamus is merely because the Writ is not yet ripe.

Any judgment which is entered in this case will be retroactive to July 1<sup>st</sup> on the wage and salary issues and the capital outlay issues.

It may well be retroactive on certain aspects on the claimed necessity for funds for overtime. Hopefully the Sheriff has not incurred those expenses. It is my sincere hope that he has lived within the budget which he was given. Please understand that I have absolutely no animus of any kind towards anyone and have no personal preferences. My opinions are purely professional and in no way influenced by politics or political preference. A part of our research indicates that the Sheriff's initial Petition for the Appointment of what could be as many as 30 additional employees is the most serious aspect of his initial claim and remains the most costly potential expenditure for your community.

The research which we have done indicates that the Sheriff would be successful in obtaining additional employees if he had properly presented them to the Budget Committee. The failure to include those employees with a description of their necessity in the proposed budget for 2012-2013 resulted in that claim being stricken. As a result of this series of events, I am advised and believe that the Sheriff will include a claim for additional deputies in his 2013-14 proposed budget. It is my desire in discussing potential settlement of this case to prevent the County from incurring additional attorneys' fees for an additional lawsuit for 2013-2014's budget year.

I was also present when concerns became more intense regarding school safety. I have presented to the Mayor and to the Sheriff the concept of school based community policing operating under the auspices of the Sheriff in those jurisdictions in which he has primary responsibility. Of course the Sheriff is the chief law enforcement officer of the entire county; however, the municipal charters and their independent responsibilities within their respective boundaries and to

the extent as provided by state law adjacent territory render it unnecessary for the Sheriff to provide primary patrol and peacekeeping within those municipal limits. This includes municipal schools.

The concept which was readily endorsed by the Sheriff and Mayor Godsey is that you would have available a trained deputy to provide security, advice and community based information gathering, and service which would provide additional security to the schools which generally serve as a center of communities in every jurisdiction.

It seemed that a great number of the Commissioners were gravely concerned and desirous of providing additional security to the schools which are located within their respective communities.

The concept which the Sheriff has endorsed and which the Mayor has endorsed would satisfy the need of the Sheriff for additional patrol deputies and information gatherers as well as provide opportunity for potential assistance for service of process and other duties including even the taking of reports and brief investigations though the same would be conducted in most instances totally outside of the school setting. School holidays and school breaks provide additional opportunities for those additional deputies to perform other general services for the Sheriff's departments.

In reviewing the salary requests, it is true that there are competitive systems within a radius of Sullivan County which would be considered by the Court which do pay higher salaries in certain instances.

The proposal which we have reached has been agreed to by the Sheriff and would allow your earliest addressing of the issues of community security.

I will meet with individual Commissioners from five o'clock p.m. to seven o'clock p.m. in the conference room behind the Commission Meeting Room; however, I request that you may wish to withhold any discussion until the meeting.

Very truly yours,

  
JAMES F. LOGAN, JR.

JFL\ddf

Cc: Mayor Steve Godsey

## Proposed Settlement Terms in *Anderson v. Godsey*, Sullivan County case

The following outlines the terms agreed upon by Mayor Godsey and Sheriff Anderson for submission to the Sullivan County Commission as a settlement agreement subject to the approval of the Honorable Judge James E. Beckner, Special Judge appointed by the Supreme Court. Upon recommendation of counsel for each party, Mayor Godsey and Sheriff Anderson have agreed to make a joint presentation to the County Commission at their Special Called Meeting on Monday, April 8, 2013 at seven o'clock p.m. It is the recommendation of counsel for the respective parties and agreement of Mayor Godsey and Sheriff Anderson that the County Commission consider and adopt the settlement terms below.

1. The County Commission adopt salary modifications which total a sum with benefits of \$325,000 per year. Of this sum, \$264,820 would be for salaries and the remaining \$60,180 would be for benefits. Of this sum, \$25,000 would be used to adjust the salaries of the persons at skill levels 12-14. \$5,450 would be the cost of the benefits for those same employees. The remaining approximately 90.6% of the salaried monies would be used to adjust the salaries of employees who are at skill level 10 and below. The initial agreement provided that these adjustments would become effective April 1, 2013 resulting in an expenditure for the 2013 fiscal year of approximately \$81,500.

2. The parties agree and recommend that the County Commission add 18 new deputies along with the appropriate and necessary vehicles and training. It is anticipated that the Sheriff would commence the process of employing and obtaining training and appropriate equipment upon its passage. Upon completion of the hiring, training and provision of the equipment to the 18 new deputies, a deputy will be assigned as a community police officer to be placed at the County schools to increase the protection of the children who attend the County public schools and the public generally and to increase the ability of the Sheriff's Department to provide all necessary law enforcement services incident to and necessary for effective community policing. Though the deputies will be placed at the County schools, and will serve as deputies for the respective communities, they will be performing many duties associated with the duties and responsibilities of preserving the peace within the community. It is understood that the deputies will be called out of the schools, if necessary, to handle other non-school related calls and, on non-school work days, will engage in other activities such as service of process, security patrol or other duties as designated and assigned by their commanding officers.

3. The parties and their respective counsel believe that it is in the best interest of Sullivan County and its citizens to immediately settle the existing case of *Wayne Anderson, in his capacity of Sheriff v. Steve Godsey, in his capacity as Mayor of Sullivan County, Tennessee*, being docket number C356 in the *Sullivan County Circuit Court* to minimize the attorney's fees, expert fees, travel expenses and other discretionary costs including, but not limited to, court reporters' fees, and deposition costs which will be charged to and paid by the County in connection with the existing lawsuit and with the lawsuit the Sheriff would be otherwise forced to file following the final approval of the 2013-2014 budget in the event the Commission declined to fund the new deputies and salary increases which would be proposed in the 2013-2014 budget.

4. A sum not greater than \$15,000 will be appropriated for the purpose of funding installation of an emergency sliding security gate at the north entrance area to the jail. The Sheriff will investigate the prospect of modifying the existing electronic gate to enable manual operation which would be necessary to eliminate potential catastrophic losses attendant to the failure of the electric gate.

5. The Commission will seek to include within the 2013-2014 budget a 2% increase in pay for County Employees.

6. There will be established a Study Committee comprised of seven members. The Sheriff and the Mayor will each appoint two designees with the Commission to appoint three designees to a panel to study and make recommendations to the Sheriff and the Commission as to any changes which would improve the efficiency and cost effectiveness of the operation of the Sullivan County Sheriff's Department including all aspects of the operation of the Sullivan County Jail. Among the issues to be considered by the Committee in this study would be, the jail's healthcare services, food services, utilization of outside vendors for the provision of such services, the Jail's current and oftentimes overcrowding, ways to eliminate the problem of overcrowding, and take such steps as would reduce the possibility of decertification of the County Jail, the County's potential liability, present expenditures relating to liabilities and exposure to liabilities regarding inmate or family claims.



MOTION ON FLOOR

MOTION AS FOLLOWS:

THAT WE, AS THE BODY OF THE SULLIVAN COUNTY COMMISSION, RECOMMEND THAT MAYOR GODSEY REJECT ALL THE PROPOSALS THAT WERE PRESENTED HERE TONIGHT. (PRESENTATION AND PROPOSED SETTLEMENT AS SUBMITTED PRECEDES THIS MOTION) I FEEL THAT WE CANNOT BE FAIR WITH ALL COUNTY EMPLOYEES, JUST GIVING THE SHERIFF'S DEPARTMENT EMPLOYEES PAY RAISES. THE PRECINCT OFFICERS WERE NOT INCLUDED IN THE LAWSUIT WHEN IT WAS FILED; I FEEL THESE OFFICERS DO NOT HAVE ANYTHING TO DO WITH THIS LAWSUIT. WITH THE ECONOMIC SITUATION WE ARE FACING, I FEEL THE ONLY WAY WE CAN FUND THESE PROPOSALS IS TO RAISE TAXES.

MOTION MADE BY: KING  
SECONDED BY: MARSH

ACTION: APPROVED ROLL CALL VOTE  
21 AYE, 1 PASS, 2 ABSENT

THE COMM. <sup>No</sup> Roll <sup>King</sup> Call <sup>motion</sup> No. No. No. No. No. No. No.

MEMBERS	Aye		Nay		Aye		Nay		Aye		Nay		Aye		Nay		Aye		Nay	
	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay		
Armstrong	✓		✓																	
Boomershine	✓		✓																	
Bowery	✓		✓																	
Boyd	✓		✓																	
Brittenham	✓		✓																	
Botherton	✓		✓																	
Calton	✓		✓																	
Carroll	✓		✓																	
Cerguson	A		A																	
Edner	✓		✓																	
Ellerood	✓		✓																	
Hood	✓		✓																	
House	✓		✓																	
Johnson	✓		✓																	
Kilgore	✓		✓																	
King	✓		✓																	
Marsh	✓		✓																	
McConnell	A		A																	
Morell	✓		✓																	
Neel	✓		✓																	
Shull	✓		✓																	
Surgener	✓		P																	
White	✓		✓																	
Williams	✓		✓																	

22 Present 21 Aye  
 2 Absent 1 Pass  
 2 Abs

AND THEREUPON COUNTY COMMISSION ADJOURNED UPON  
MOTION MADE BY COMM. WHITE TO MEET AGAIN IN REGULAR  
SESSION APRIL 15, 2013.

A handwritten signature in black ink, appearing to read "Steve M. Godsey", is written over a horizontal line.

STEVE GODSEY

COMMISSION CHAIRMAN