

**HAMILTON COUNTY ELECTION COMMISSION
MINUTES OF MEETING
FEBRUARY 10, 2004**

Call to Order. Upon notice duly given, Chairman Tyrone L. Waller called to order a meeting of the Hamilton County Election Commission at 7:30 p.m. on February 10, 2004, at the office of the Hamilton County Election Commission, 514 East 4th Street, Chattanooga, Tennessee.

Present at Meeting. Chairman Waller, Secretary Walden and Commissioners Kennedy, Johnson and DeWitt were present at the meeting. Attorney Jerry Summers, Deputy Knowles and Administrator Dzik were present by invitation. Also present were members of the community as shown on the attached sheet.

Approval of Minutes. Upon motion by Commissioner Walden, seconded by Commissioner Kennedy, the minutes of the January 6, 2004, meeting were unanimously approved.

Presidential Preference Primary Election. Administrator Dzik stated that the polls would be closing at 8:00 p.m.

Legal Issues. Attorney Summers discussed the following legal issues:

Rita Jones Lawsuit—Attorney Summers stated that the Chancery Court order dismissing this case had been entered by the Court. However, Ms. Jones has 30 days in which to file a notice of appeal of the Chancellor's ruling to the Tennessee Court of Appeals.

Rosetta Tipton's Termination of Her Employment—Attorney Summers stated that Ms. Tipton had failed to return to the office from her holiday vacation and that, in accordance with the personnel policy, Administrator Dzik had advised Ms. Tipton that such absence was considered her voluntary termination of her employment. Ms. Tipton had filed for and been approved for unemployment benefits and it was Attorney Summers' recommendation that the Commission appeal the benefits reward to the next level. Upon motion by Commissioner Walden, seconded by Commissioner Johnson, the Commission unanimously approved appealing the rewards benefit and Attorney Summers was instructed to proceed with the appeal.

County Commission Resolutions—Attorney Summers discussed County Commission Resolution 204-9 (ballot purchase in the amount of \$37,428.09) and Resolution 204-10 (attorney's fees). Attorney Summers presented the Commission with a draft of a letter he had prepared to be sent to the Curtis Adams, Chairman, Hamilton County Board of Commissioners, regarding the two resolutions. A copy of the letter is attached hereto and made a part of these minutes as if fully set out herein.

Attorney Summers further stated that the contents of his statement for legal services contained attorney/client privileged communication and it was his opinion that the full text of his statement for legal services should not be forwarded to the Finance Department. A

summary sheet of legal services is prepared and should be the only document submitted for payment.

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Commissioner Johnson suggested that after the Election Commission members each had an opportunity to review Attorney Summers' detailed statement for legal services, the statements should be returned to Mr. Summers to avoid disclosing any privileged communication information.

Adjournment. There being no further business to come before the meeting, the meeting was adjourned.

Michael S. Walden Secretary

APPROVED:

Tyrone L. Waller Chairman

Linda Johnson Commissioner

William Kennedy Commissioner

Luanne H. DeWitt Commissioner