

**HAMILTON COUNTY ELECTION COMMISSION
MINUTES OF MEETING
September 11, 2006**

Call to Order:

Upon notice duly given, Chairperson Avila called to order a regularly scheduled meeting of the Hamilton County Election Commission at 8:10 a.m. on Sept. 11, 2006 at the office of the Hamilton County Election Commission, 514 East 4th Street, Chattanooga, Tennessee.

Invocation: Chairperson Avila

Pledge of Allegiance: Secretary Quinn

Present at Meeting:

Commissioners Lee, Quinn and Walden were present at the meeting. Attorney Jerry Summers and the staff of the Election Commission were present as well. Also present were members of the community, as well as members of the media as shown on the attached sheet.

Minutes:

Commissioner Quinn made a motion to approve the minutes from the August 14, 2006 meeting, Commissioner Lee seconded and the minutes were unanimously approved.

New Business:

Administrator Knowles stated that the Commission needed to certify the expenses for the August 3, 2006 election. He also stated that the election was \$3,736.04 less than the last election.

Secretary Quinn made a motion to accept the certification as offered by Administrator Knowles. Commissioner Lee seconded and certification was unanimously approved.

Administrator Knowles stated that the Commission needed to set the early voting hours and locations.

The hours would be Northgate & Brainerd Rec. Center, Monday thru Saturday, 10:00 am to 7:00 pm.

The Election Commission Monday thru Saturday, 8:00 am to 7:00 pm and then on the last three day the Election Commission would be 8:00 am to 8:00 pm.

Secretary Quinn made a motion to accept the hours and locations. Commissioner Walden seconded and they were unanimously approved.

Administrator Knowles stated that the Election Day Hours would be according to law from 8:00 am to 8:00 pm.

Secretary Quinn made a motion to accept the Election Day hours. Commissioner Walden seconded and they were unanimously approved.

Administrator Knowles stated that he would like to give a report on the petitions

“Signal Mountain is completed except for one person, Bill Leonard and they are in the process of checking it. Soddy Daisy and Collegedale liquor referendums seem to be in order; we are about 1/3 of the way through the recycle petition. We had about four petitions to check over the weekend. I want to commend Charlotte and the staff for the job they have been doing”.

Attorney Summers asked if Signal Mountain had enough signatures to recall on the ones that are checked?

Administrator Knowles answered: “yes, the only reason we aren’t through yet is because we are checking and not assuming and there were four to be checked”.

Chairperson Avila asked was that the only referendums to be on the ballot in Nov. Administrator Knowles stated yes. He also stated that he went to lunch and came back and there was a recall petition for Manuel Rico in his chair, just stating the law and a blank petition. “I haven’t heard from anyone about it. I made a statement to the paper that it would be impossible to be in this year’s election cycle, and they would have to wait and do it in some fashionable way”.

Chairperson Avila stated that she was somewhat familiar with that. “I was approached about it and I asked the people who wanted to recall him to check with our attorney, because we have so many petitions that come before us that were not properly Done”. Administrator Knowles stated that he thought they should present it to the election commission first and then we would present to Attorney Summers.

Attorney Summers stated that Administrator Knowles gave him a copy and he casually looked it over. “I think the other matters were more important because they are on the Nov. Ballot. As far as if it complies with the language I will advise you accordingly, but it can’t be done on this election”.

Legal Matters:

Attorney Summers: “I received a letter from the people on Signal Mountain. I guess anticipating they were going to prevail and they may be successful in dealing with the procedure by which Ms. Mullis sent this to me last week. I haven’t had a chance yet to look at it but it appears just on its face. I need to look at T.C.A. § 6-20-110 which deals with a vacancy on the board. I’m not sure that this really applicable. It appears that we have the same issue that we have, is the law under T.C.A. 2-5-151. The legislature made an exception if a community wanted to adopt a charter after June 1, 1997. There are certain parts of T.C.A. 2-5-151 that can be considered under a city charter. Primarily it is only dealing with signatures and a 75 day deadline. I don’t think that will constitute an exception, but I would like to reserve the final. I haven’t looked at it I have been dealing with the other matters and obviously it is premature unless they do recall the commissioners, but it deals with the procedure in which a vacancy will be filled. I believe that T.C.A. 2-5-151 will control on that. ”

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“This is all the legal matters I have. Mr. Knowles and Ms Mullis have been in a lot of contact with me in the last few weeks on these petitions and I think they have done their job. As far as trying to assist someone, I think it would be a lot easier if they would get an attorney.”

Chairperson Avila asked if that meant our charges would be higher this time and Attorney Summers answered they would be slightly higher this time, but the last few months have been very low.

He also stated that his representation is like a roller coaster. “I don’t do anything unless they call and these elections are very important and with the petitions we are trying to do the right thing, so sometime it unfortunately it brings up the subject of letting a lawyer look at it and I do keep in mind that it is taxpayer money and not our money.”

Administrator Knowles stated that he though it was the proper thing to do to let an attorney look at it and keep you out of trouble, and he is doing a good job.”

Chairperson Avila stated that she appreciated the good job Attorney Summers was doing and in keeping the cost down for us.

Secretary Quinn made a motion to adjourn. Commissioner Lee seconded and the meeting was adjourned.

Next Meeting:

The next meeting is scheduled for Monday October 9, 2006 @ 8:00 am.

J. Bartlett Quinn Secretary

APPROVED:

Linda Morris –Avila Chairperson

Dorothy Eddington Commissioner

Karen M. Lee Commissioner

Michael S. Walden Commissioner