

**MINUTES OF MEETING**  
**November 6, 2013**

**Call to Order:**

Upon notice duly given, Chairman Walden called to order a regularly scheduled meeting of the Hamilton County Election Commission at 8:30 am on November 6, 2013 at the office of the Hamilton County Election Commission, 700 River Terminal Road, Chattanooga, Tennessee.

**Invocation:** Commissioner Braly

**Pledge of Allegiance:** Commissioner Crangle

**Present at Meeting:**

Commissioners Walden, Summers, Braly, Crangle, and Scott were present at the meeting, as well as Commission Attorney, members of the media, employees of the county, and staff of the Election Commission.

**Approval of Minutes:**

**Commissioner Braly** made a motion to accept the minutes.

**Commissioner Crangle** seconded.

Motion passed unanimously

**New Business:**

**Secretary Summers** asked Administrator Morgan when her last day was, when she was retiring, and she said February 4, 2014.

**Commissioner Scott** stated that at the last meeting it was mentioned about the contract verbiage and looking at the contract and it was brought up that all the commissioners wanted a copy of the contract.

**Chairman Walden** asked if we got a copy. He further stated that the conversation is that the county is paying for this with federal money and it's really not our place to review the contract that is the county's legal counsel Rheubin Taylor's place.

**Commissioner Scott** asked so we just pick a company and the county reviews the contract?

**Chairman Walden** stated that we not only pick a company, but we also go through the county purchasing department and they go through the guidelines as they do everything We make the recommendation and the county votes to purchase it and purchases it for the election commission. He further stated that instead of paying our attorney to review it, that is their responsibility to do so. I don't have a problem with it if you want to contact the county and look at it, that is fine. We went through the purchasing process through the county and that is by design.

**Commissioner Scott** stated that at the last meeting it was not explained the way it was just explained.

**Chairman Walden** stated that he was sorry for that.

**Commissioner Scott** stated that in his opinion if that's the case then we shouldn't have voted on anything, it should have all been sent to the county.

**Chairman Walden** stated that we vote on the system and they fund it because we don't have any money We make a recommendation based on the state requirements, bid specs, county purchasing policies and procedures, the administrator and deputy administrator, and the head of the department for purchasing. I actually thought about how it was said after the meeting and the county is going to review it and let them use their money. Even if Chris reviews it the county attorney is going to review it, so it is just best to let them go on and do it.

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This isn't the first software that they have bought and it won't be the last and that is why we handled it that way. He further stated that any contract the government enters into it is available to be reviewed by the public.

**Secretary Summers** stated that he did abstain from voting because he didn't see a contract and didn't feel comfortable voting on something he hasn't seen.

**Commissioner Scott** stated that he understood what was being said but that is not what was in the minutes and that needs to be changed.

**Chairman Walden** stated that no, that is what was said, so the minutes are right, that is just not what was done and we are amending it by today's minutes.

**Secretary Summers** stated that a motion needs to be made to change the minutes.

**Commissioner Scott** stated that if you are speaking inappropriately about something you have no authority over then it has to be changed. He further stated that Chairman Walden stated he had a conversation with the attorney and

**Secretary Summers** stated that if they don't state what we actually did then it needs to be amended to be corrected.

**Commissioner Scott** you had a conversation with the attorney or whoever you spoke with that said it was best to let the county attorney handle it and that is something we all should have been privileged to.

**Chairman Walden** stated that actually what happened was it is not this board's responsibility to negotiate a contract never has been and never will be, it is not within our jurisdiction and that is why we decided not to do it.

**Commissioner Scott** stated that he understands that but that is not what is in the minutes. They say we are going to negotiate the price and fees and that is not what happened.

**Chairman Walden** stated that I know I mis-spoke and we are correcting that now.

**Administrator Morgan** stated that what is negotiable is the maintenance agreement and that is after 5 years.

**Commissioner Braly** made a motion that the minutes of today's meeting reflect the correction to the last meeting's minutes verifying that purchasing did not send a copy of the contract to our attorney or any other board member.

**Chairman Walden** stated that at the last meeting the vote was Commissioner's Walden, Braly & Crangle voted yes. Secretary Summers abstained and Commissioner Scott voted no.

**Administrator Morgan** stated that the county commission will be voting on the Voting System today and I was told everyone was in favor and I was told not to come back today.

**Commissioner Crangle** seconded it.

**Secretary Summer** stated that he still doesn't think we should vote on a contract if we don't get to see it, but that he will vote aye.

**Administrator Morgan** stated that the bid process for ballots was started after the last meeting and purchasing is waiting to hear from Dominion to get a list of their certified printers.

**Chairman Walden** stated that we need to formally announce the position of Administrator on the Chattanooga as well as the county website. He further stated that we also need to keep that open for a certain time period.

**Secretary Summers** stated that we need to set up a deadline for getting applications and resumes, and a date for hearings, we know when Administrator Morgan is resigning her position.

**Attorney Clem** asked other than a resume, do we have any type of application that they can fill out?

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**Chairman Walden** stated that they needed to use the Hamilton County Government application.

**Secretary Summers** stated that he suggests they be provided a copy of the responsibilities T.C.A. 2-12-201, I think we already have a job description.

**Chairman Walden** stated that everyone submit their application and resumes to Administrator Morgan and you stamp and record them and hold them till the next meeting and we can have copies then.

**Secretary Summers** stated that we should have copies before the meeting.

**Chairman Walden** asked was there a requirement that they live in Hamilton county?

**Attorney Clem** stated yes that is a requirement. He further stated that the deadline is Monday November 25, 2013 at 4:00 pm and the next meeting is Wednesday, December 4, 2013.

**Chairman Walden** stated that there are two political appointments in this office and that is the Administrator and the Deputy Administrator and the decision will be made from all five of our votes.

**Secretary Summer** asked if the new administrator will have any say in who the deputy will be? He further stated that he assumed that they would.

**Chairman Walden** stated that he also assumed they would. He then stated that the deputy now is Scott and I think he has the confidence of the commission and I don't see that changing.

### **Legal Matters**

**Attorney Clem** stated that John Konvalinka and Susan Rich are still submitting briefs.

### **Adjournment**

**Commissioner Braly** made a motion to adjourn.

**Commissioner Crangle** seconded.

The meeting was adjourned.

The Next Meeting is Scheduled for Tuesday December 4, 2013 @ 8:00am

APPROVED:

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Jerry Summers Secretary

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Michael S. Walden Chairman

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Ruth Braly Commissioner

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Tommy Crangle Commissioner

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Kelvin Scott Commissioner