

STATE OF TENNESSEE
COUNTY OF GREENE

GREENE COUNTY LEGISLATIVE BODY
MONDAY, NOVEMBER 15, 2010
6:00 P.M.

The Greene County Legislative Body met in regular session on, Monday, November 15, 2010 at the Greene County Courthouse for the regular monthly meeting of the County Commission. Mayor Broyles called the meeting to order to transact business that is to lawfully come before this Honorable Body. Commissioner Hilton Seay led the Pledge to the Flag, followed by Prayer led by Commissioner Rollins. The Commissioners signed in on their key pads and the following Commissioners were present: Commissioners Bird, Bowers, Carter, Crum, Greenway, Grogan, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sauceman, Sams, Seay, Waddle and White. There were 21 Commissioners present.

APPROVAL OF PRIOR MINUTES

A motion was made by Commissioner Grogan and seconded by Commissioner Holt to approve prior minutes. Mayor Broyles called for the Commissioners to vote on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Greenway, Grogan, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, Quillen, Sauceman, Sams, Seay, Waddle and White voted aye. The vote was 21 – aye. The Commissioners voted in favor of the motion to approve the prior minutes.

PUBLIC HEARING

Commissioner Bowers called on Mr. Larry Parman to speak. Mr. Parman asked the Commissioners to restrain from spending.

REPORTS

There were reports from the Solid Waste Dept. and Committee minutes in the package.

Mr. David Crum noted that before being elected he was given an opinion from the U.S. Office of Special Counsel saying that he has no conflict of interest between his job and being a Commissioner. He has since had another complaint and once again has received a letter from the U.S. Office of Special Counsel saying that he has no conflict of interest. He asked that this letter be made a part of the minutes and that if a citizen has a complaint with him that they should come to him with that complaint.

Mayor Broyles noted that all Commissioners and Department Heads are invited to the annual employee Christmas Breakfast and to see Wanda if they plan to attend.



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-254-3600

November 1, 2010

Mr. David Crum
142 Maple Crest Drive
Greeneville, TN 37743

VIA POSTAL MAIL

Re: OSC File No. HA-10-2952

Dear Mr. Crum:

This letter is in response to information provided to the Office of Special Counsel (OSC) concerning an allegation that your 2010 candidacy in the partisan election for Greene County Commissioner may have been in violation of the Hatch Act. At the time of the alleged activity, you were employed as a Detective/Lieutenant with the Greeneville Police Department (Police Department). We investigated this matter and, as explained below, are closing our file without further action.

The Hatch Act, 5 U.S.C. §§ 1501-1508, restricts the political activity of individuals principally employed by state, county, or municipal executive agencies in connection with programs financed in whole or in part by loans or grants made by the United States or a federal agency. It has long been established that an officer or employee of a state or local agency is subject to the Hatch Act if, as a normal and foreseeable incident of his principal position or job, he performs duties in connection with an activity financed in whole or in part by federal funds. In re Hutchins, 2 P.A.R. 160, 164 (1944); Special Counsel v. Gallagher, 44 M.S.P.R. 57 (1990). Coverage is not dependent on the source of an employee's salary, nor is it dependent upon whether the employee actually administers the funds or has policy duties with respect to them. See Special Counsel v. Williams, 56 M.S.P.R. 277, 283-84 (1993), aff'd, Williams v. M.S.P.B., 55 F.3d 917 (4th Cir. 1995). An employee covered by the Act may not, among other things, be a candidate for public office in a partisan election, i.e., an election in which any candidate represents, for example, the Republican or Democratic Party. 5 U.S.C. §1502(a)(3).

According to the information provided to our office, during the period of your 2010 candidacy, you were employed as Detective/Lieutenant with the Criminal Investigation

Division of the Police Department. In that capacity, you were responsible for: (1) investigating criminal cases, including felonies and other criminal matters; and (2) registering sex offenders into a database maintained by the Tennessee Bureau of Investigations (TBI). We also learned that although the official title for your position was Detective/Lieutenant, you had no duties or supervisory responsibilities of applying for or administering federal grants, nor did you direct or oversee any other employee of the Police Department.

During our investigation, we were advised that the Police Department received four federal grants in 2010. The first was the Bulletproof Vest Partnership (BVP) grant. This grant was awarded to the Police Department in 2006, for a period of five years. You have not been responsible for overseeing and/or facilitating the purchase of bulletproof vests.¹

In addition to the BVP grant, the Police Department also received an Edward Byrne Memorial Justice Assistance Grant (JAG grant), awarded by the U.S. Department of Justice, Office of Justice Programs. This JAG grant funded the purchase of equipment, including reflective ultra-violet imaging systems, a wireless download system, software to upgrade video recorders, and five digital in-car recorders. You did not have any duties with respect to overseeing and/or facilitating the purchase of this equipment.

The third grant received by the Police Department was also awarded by the U.S. Department of Justice. The purpose of this grant was to reimburse overtime costs and expenses associated with the Organized Crime Drug Enforcement Task Force. According to the information available to us, You have not participated in, or supervised any persons who participated in, the activities of the Organized Crime Drug Enforcement Task Force.

Finally, the Police Departments received a grant from the Governor's Highway Safety Office, administered by the State of Tennessee Department of Transportation, through the U.S. Department of Transportation, National Highway Traffic Safety Administration (NHTSA). This grant funded the Highway Enforcement Life Protection program (H.E.L.P.), including overtime personnel salaries and benefits, and equipment costs. We learned that you have not participated in activities associated with H.E.L.P., nor did you receive any payments or benefits under this program.


Based on this information, we have concluded that you were not covered by the restrictions of the Hatch Act at the time you sought the elected office of Commissioner of Greene County. Thus, the Hatch Act did not prohibit your candidacy for that office. As a result, we are closing our file without further action.

¹ As to federal grants used to purchase equipment, it is OSC's opinion that any employee who applies for federal grants, purchases the equipment, or supervises employees engaging in these activities is subject to the restrictions of the Hatch Act. However, in regard to those employees who merely use the equipment, OSC has concluded that their connection to the federally funded program is too attenuated to subject these individuals to the restrictions of the Hatch Act.

U.S. Office of Special Counsel
HA-10-2952

If you have any questions regarding this matter, please contact me at (202) 254-3637.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nadia A. Konstantinova', written over a horizontal line.

Nadia A. Konstantinova
Attorney
Hatch Act Unit

ELECTION OF NOTARIES

Mayor Broyles asked the Clerk to read a list of names requesting to be notaries to the Commission. Clerk, David Thompson, read the list. A motion was made by Commissioner Waddle and seconded by Commissioner Quillen to approve the list. Mayor Broyles called for the Commissioners to vote on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Greenway, Grogan, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sauceman, Sams, Seay, Waddle and White voted aye. The vote was 21 – aye. The Commissioners voted in favor of the motion to approve the notaries.

ELECTION OF NOTARIES

November 15, 2010

KRISTY L. BIRD	RENEWAL
MARGARET E. KNIGHT	RENEWAL
TERRY J. LAWS	RENEWAL
TAMMY KAY MCCAMEY	NEW
JANIE D. NEWTON	RENEWAL
TONYA RENAE PATTERSON	RENEWAL
CAROLYN S. TAYLOR	NEW
TAMMY TINCH	NEW
BRANDI WHITE	RENEWAL

**A RESOLUTION TO AMEND THE BUDGET FOR REVENUES RECEIVED BY THE
SHERIFF'S DEPT. (\$6,800)**

A motion was made by Commissioner Greenway and seconded by Commissioner Holt to approve a resolution to amend the budget for revenues received by the Sheriff's Dept. (\$6,800). Mayor Broyles called for the Commissioners to vote on the motion on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Greenway, Grogan, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sauceman, Sams, Seay, Waddle and White voted aye. The vote was 21 – aye. The Commissioners voted in favor of the motion to approve the resolution.

**A RESOLUTION TO BUDGET FOR AN EDWARD BYRNE MEMORIAL GRANT
(\$22,151)**

A motion was made by Commissioner Grogan and seconded by Commissioner Rollins to approve a resolution to budget for an Edward Byrne Memorial Grant (\$22,151). Mayor Broyles called for the Commissioners to vote on the motion on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Greenway, Grogan, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sauceman, Sams, Seay, Waddle and White voted aye. The vote was 21 – aye. The Commissioners voted in favor of the motion to approve the resolution.

A RESOLUTION TO AMEND THE BUDGET FOR REVENUES RECEIVED BY THE
SHERIFF'S DEPT. (\$21,062)

A motion was made by Commissioner Carter and seconded by Commissioner Hopson to amend the budget for revenues received by the Sheriff's Dept. (\$21,062). Mayor Broyles called for the Commissioners to vote on the motion on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Greenway, Grogan, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sauceman, Sams, Seay, Waddle and White voted aye. The vote was 21 – aye The Commissioners voted in favor of the motion to approve the resolution.

A RESOLUTION TO BUDGET FOR SEXUAL OFFENDER REGISTRATION
RESERVE (\$13,368)

A motion was made by Commissioner Quillen and seconded by Commissioner Greenway to approve a resolution to budget for Sexual Offender Registration Reserve (\$13,368). Mayor Broyles called for the Commissioners to vote on the motion on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Greenway, Grogan, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sauceman, Sams, Seay, Waddle and White voted aye. The vote was 21 – aye. The Commissioners voted in favor of the motion to approve the resolution.

A RESOLUTION TO BUDGET FOR AN AMERICAN RECOVERY AND
REINVESTMENT Act of 2009 (AARA) Justice Assistance carryover grant (\$31,830)

A motion was made by Commissioner Grogan and seconded by Commissioner Holt to approve a resolution to budget for an American Recovery and Reinvestment Act of 2009 (AARA) Justice Assistance carryover grant (\$31,830). Mayor Broyles called for the Commissioners to vote on the motion on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Greenway, Grogan, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sauceman, Sams, Seay, Waddle and White voted aye. The vote was 21 – aye. The Commissioners voted in favor of the motion to approve the resolution.

**A RESOLUTION TO AMEND THE HIGHWAY FUNDS 2010-2011 FISCAL YEAR
BUDGETS FOR REIMBURSEMENTS RECEIVED FROM THE GENERAL
CAPITAL PROJECT FUND (\$7,665)**

A motion was made by Commissioner Holt and seconded by Commissioner Greenway to amend the Highway Fund's 2010-2011 fiscal year budgets for reimbursements received from the General Capital Project fund (\$7,665). Mayor Broyles called for the Commissioners to vote on the motion on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Greenway, Grogan, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sauceman, Sams, Seay, Waddle and White voted aye. The vote was 21 – aye. The Commissioners voted in favor of the motion to approve the resolution.

**A RESOLUTION TO BUDGET FOR ADDITIONAL AMOUNT REQUIRED FOR
SOLID WASTE ROLL-OFF TRUCK IN THE SOLID WASTE FUND (\$17,000)**

A motion was made by Commissioner Grogan and seconded by Commissioner Sauceman to budget for additional amount required for Solid Waste roll-off truck in the Solid Waste Fund (\$17,000). Mayor Broyles called for the Commissioners to vote on the motion on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Greenway, Grogan, Hensley, Holt, Hopson, Kiker, King, Malone, Moss, Quillen, Rollins, Sauceman, Sams, Seay, Waddle and White voted aye. Commissioner McAmis voted no. The vote was 20 – aye; 1 - no. The Commissioners voted in favor of the motion to approve the resolution.

**A RESOLUTION TO BUDGET MAINTENANCE OF CIVIL WAR TRAILS SIGNS IN
THE ECONOMIC DEVELOPMENT FUND (\$600)**

A resolution to budget maintenance of Civil War Trails signs in the Economic Development Fund (\$600) was pulled by the Budget & Finance Committee (sponsors) until the December meeting.

A RESOLUTION TO SET SPEED LIMITS ON ALL COUNTY ROADS

A motion was made by Commissioner Hopson and seconded by Commissioner Bird to approve a resolution to set speed limits on all county roads. Mayor Broyles called for the Commissioners to vote on the motion on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Greenway, Grogan, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sauceman, Sams, Seay, Waddle and White voted aye. Commissioner Crum voted no. The vote was 20 – aye; 1 - no. The Commissioners voted in favor of the motion to approve the resolution.

A RESOLUTION OF THE GREENE COUNTY LEGISLATIVE BODY TO ABOLISH
THE POSITIONS OF ROAD COMMISSIONER IN GREENE COUNTY, TENNESSEE

A motion was made by Commissioner Hensley and seconded by Commissioner Hopson to approve a resolution of the Greene County Legislative Body to abolish the positions of Road Commissioner in Greene County, Tennessee.

A motion was then made by Commissioner Kiker and seconded by Commissioner Hensley to amend the resolution to allow Roger Woolsey to amend the language of the resolution to meet necessary requirements for the General Assembly.

Commissioner Holt read the conflict of interest statement due to his being a relative of one of the present road commissioners.

Mayor Broyles called for the Commissioners to vote on the amendment on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Greenway, Grogan, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sauceman, Sams, Seay, Waddle and White voted aye. The vote was 21 – aye. The Commissioners voted in favor of the amendment.

The Mayor then called for the Commissioners to vote on the resolution as amended on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Greenway, Grogan, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sauceman, Sams, Seay, Waddle and White voted aye. The vote was 21 – aye. The Commissioners voted in favor of the resolution as amended.

A RESOLUTION TO APPROVE A LEASE AGREEMENT FOR THE
WALKERTOWN CONVENIENCE CENTER

A motion was made by Commissioner Grogan and seconded by Commissioner Sauceman to approve a resolution to approve a lease agreement for the Walkertown Convenience Center. Mayor Broyles called for the Commissioners to vote on the motion on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Greenway, Grogan, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sauceman, Sams, Seay, and White voted aye. Commissioner Waddle voted no. The vote was 20 – aye; 1 - no. The Commissioners voted in favor of the motion to approve the resolution.

**A RESOLUTION AUTHORIZING THE PAYMENT OF EXPENSES INCLUDING
PAYING COUNTY EMPLOYEES FOR WORKING AT THE COUNTY SURPLUS
AUCTION OF EQUIPMENT AND VEHICLES AND TO RETURN THE NET FUNDS
GENERATED FROM SAID SALE TO THE VARIOUS DEPARTMENTS WHO
CONTRIBUTED VEHICLES OR EQUIPMENT TO SAID SALE**

A motion was made by Commissioner Rollins and seconded by Commissioner Greenway to approve a resolution authorizing the payment of expenses including paying county employees for working at the county surplus auction of equipment and vehicles and to return the net funds generated from said sale to the various departments who contributed vehicles or equipment to said sale. Mayor Broyles called for the Commissioners to vote on the motion on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Greenway, Grogan, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sauceman, Sams, Seay, Waddle and White voted aye. The vote was 21 – aye. The Commissioners voted in favor of the motion to approve the resolution.

OTHER BUSINESS

Commissioner Grogan thanked the Commissioners that brought toys and money for Gifts for Kids.

ADJOURNMENT

The meeting adjourned.