

# KNOX COUNTY COMMISSION

**Special Meeting – Work Session**

**Tuesday – December 22, 2009 – 1:00 p.m.**

A special meeting – work session of the Knox County Commission was held on Tuesday, December 22, 2009, at 1:00 p.m., at the county courthouse, 62 Union Street, Rockland, Maine. Administrative Assistant Candice Richards was present to record the minutes of the meeting.

Commission members present: Anne Beebe-Center, Commissioner District #1, Richard L. Parent, Jr., Commissioner District #2, and Roger A. Moody, Commissioner District #3.

County staff present included: County Administrator Andrew Hart, Administrative Assistant Candice Richards, Jail Administrator John Hinkley, Finance Director Kathy Robinson, CSO/CIO Jeff Lake, Sheriff Donna Dennison, Chief Deputy Ernie McIntosh, Deputy John Palmer, Deputy Larry Hesseltine, Acting Lieutenant Tim Carroll, Deputy Mark Tibbetts, and Deputy Michael Sprague.

Also present: Steve Betts from the *Herald Gazette*.

<b>Special Meeting – Work Session – Agenda</b>		
<b>Tuesday – December 22, 2009 – 1:00 p.m.</b>		
<b>I.</b>	<b>1:00</b>	<b>Meeting Called To Order</b>
<b>II.</b>	<b>1:01</b>	<b>Action Items</b>
		1. Act to Appoint a Commissioner to Serve on the KWRED Board.
		2. Act on Approval of Transfer to Reserves from Anticipated Fund Balance and Unencumbered Fund Balances.
<b>III.</b>	<b>1:06</b>	<b>Discussion Items</b>
		1. Sheriff's Patrol Department.
<b>IV.</b>		<b>Adjourn</b>

**I. Meeting Called to Order**

Commission Chair Anne Beebe-Center called the December 22, 2009 special meeting work session of the Knox County Commission to order at 1:10 p.m.

**II. Action Items**

1. Act to Appoint a Commissioner to Serve on the KWRED Board.  
 Commissioner Anne Beebe-Center nominated Commissioner Roger Moody.  
 Commissioner Richard Parent seconded the nomination.

Commissioner Roger Moody stated that he would like to go to the KWRED Board meetings because he has an interest in economic development.

County Administrator Andrew Hart commented that this would be a three-year term, running from January 1, 2010 to December 31, 2013. The appointment will go to KWRED for their approval at their next meeting, which is in the middle of January.

- A motion was made by Commissioner Richard Parent to appoint Commissioner Roger Moody to serve on the KWRED Board. The motion was seconded by Commissioner Anne Beebe-Center. A vote was taken with all in favor.

2. Act on Approval of Transfer to Reserves from Anticipated Fund Balance and Unencumbered Fund Balances (K. Robinson).

- A motion was made by Commissioner Richard Parent to approve the transfer of anticipated fund balances and unencumbered fund balances to reserves. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

**Available Balances from 2009 Budget**

Transfer From:

Transfer To:

Account:	Amount:	Dept:	Account:
Vehicles	011007-57346	\$31,101.00	Sheriff
			Vehicles
			200008-12690

**Transfer to Reserves from Department Balances**

Amount:	Dept:	Account:	
1\$0,000.00	Building Maintenance	Courthouse Maintenance	200008-12680
\$5,000.00	Emergency Management	Disaster	200008-12880
\$17,500.00	Executive Administration	Courthouse Computer	200008-12660
\$26,000.00	Sheriff	Vehicles	200008-12690
<b>\$58,400.00</b>	<b>Total</b>		

**\$89,601.00 Grand Total**

**III. Discussion Items**

1. Discuss Sheriff’s Patrol Department.

Commissioner Anne Beebe-Center explained that the purpose of the meeting was for the Commission to learn more about the Sheriff’s department. She invited Sheriff Donna Dennison to come forward to the meeting table.

Sheriff Dennison handed out copies of a packet of information to the Commission and to County Administrator Andrew Hart. She stated that the packet contained different things showing the organization of the department. She stated that she had provided the Commission with the different job descriptions for the various positions in the department. She stated that she was going to try to explain some of the hierarchy and organizational structure of the Sheriff’s Office.

A PowerPoint slide show, created by Deputy Michael Sprague, was used to display some of this information. *(All pictures below are taken directly from the PowerPoint Presentation used by the sheriff unless otherwise indicated.)*



Sheriff

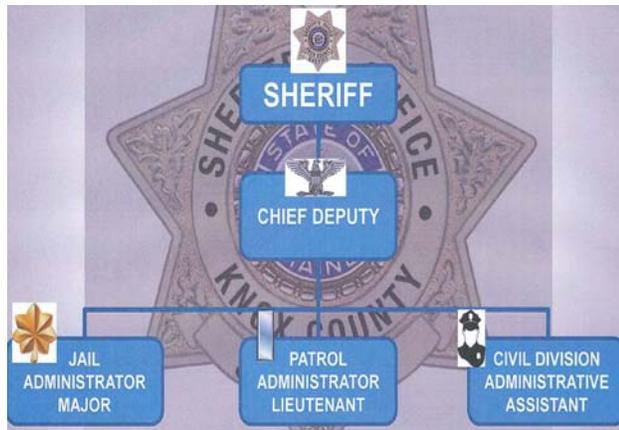
- Elected by the voters;
- Highest ranking law enforcement officer in Knox County;
- Directs and administrates all aspects of the Sheriff’s Office;
- Ultimately responsible for everything that goes on there;
- There are four divisions that report to the sheriff: Corrections, patrol, civil, and airport security;
- Paramilitary-type of organization, flow of authority that is responsible for liability and the operations of the facility.

Chief Deputy

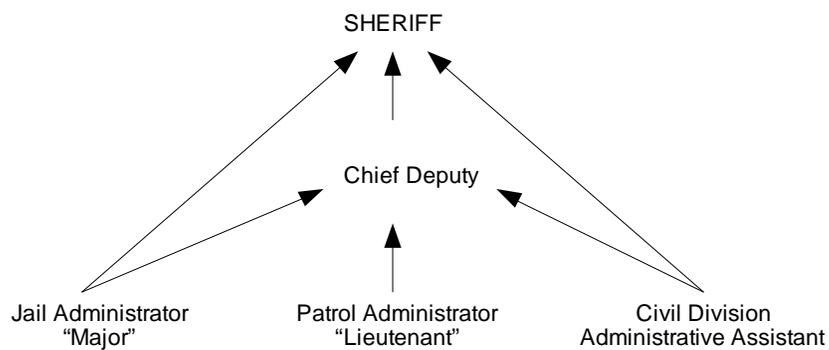
- Chief Deputy is chosen by the sheriff;
- Works “at the will” of the sheriff;
- Responsible for making sure everything is taken care of;
- Responsibilities and duties are laid out in Maine Statute Title 30-A.

Sheriff’s Department Chain of Command

The Jail Administrator, Civil Division (the Sheriff’s Administrative Assistant), and the Patrol Administrator all report to both the Chief Deputy and the sheriff. The following slide was shown:



The following is a slightly more accurate depiction of the chain of command of the management of the Sheriff's Department:



**Corrections Division**

**Jail Administrator**

- Oversees everything that goes on at the jail;
- Reports to the Chief Deputy and the Sheriff;

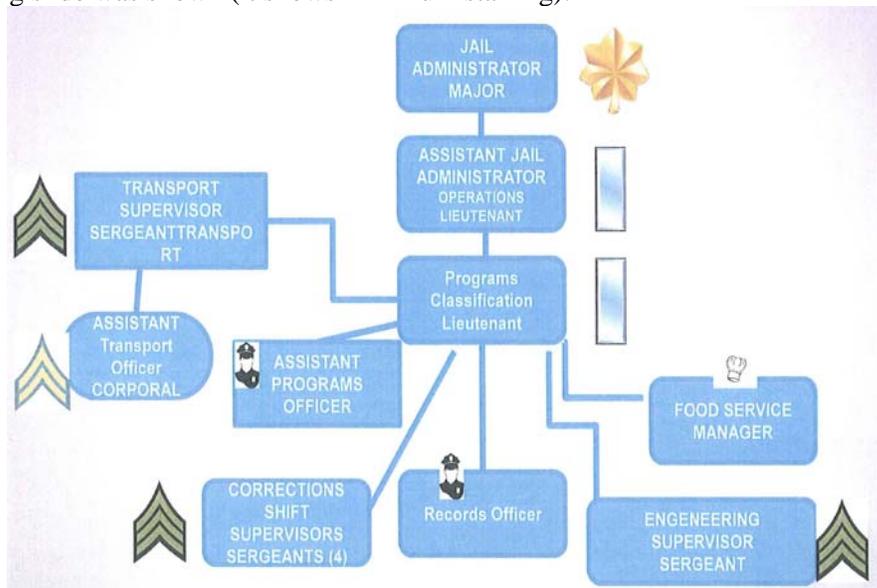
**Other Corrections Management:**

- Assistant Jail Administrator – Lieutenant
- Programs Classifications Officer – Lieutenant
  - ◆ Assistant Programs Classification Officer
  - ◆ Transport Supervisor – Corporal
- Food Services Manager

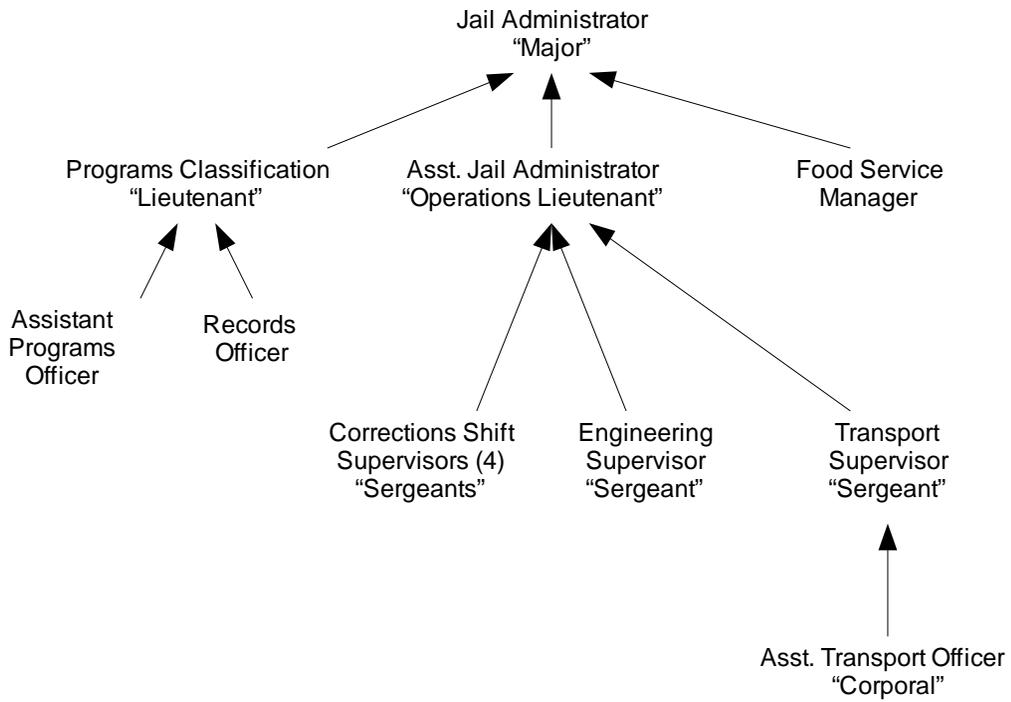
Both lieutenants do the employee evaluations which are then reviewed by the Jail Administrator. Both lieutenants also have the same level of authority even though they fill two separate job functions. Their jobs are interchangeable and one can cover for the other. The Assistant Jail Administrator handles the administrative duties, such as scheduling and discipline.

**Jail Chain of Command**

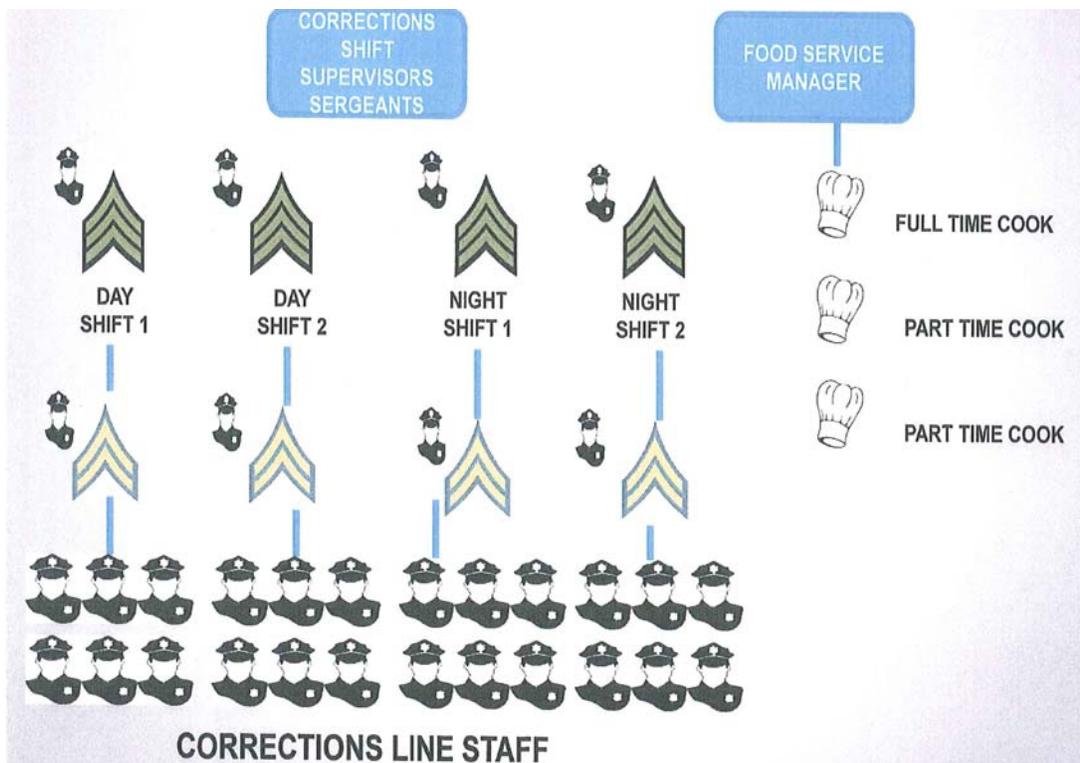
The following slide was shown (it shows minimum staffing):



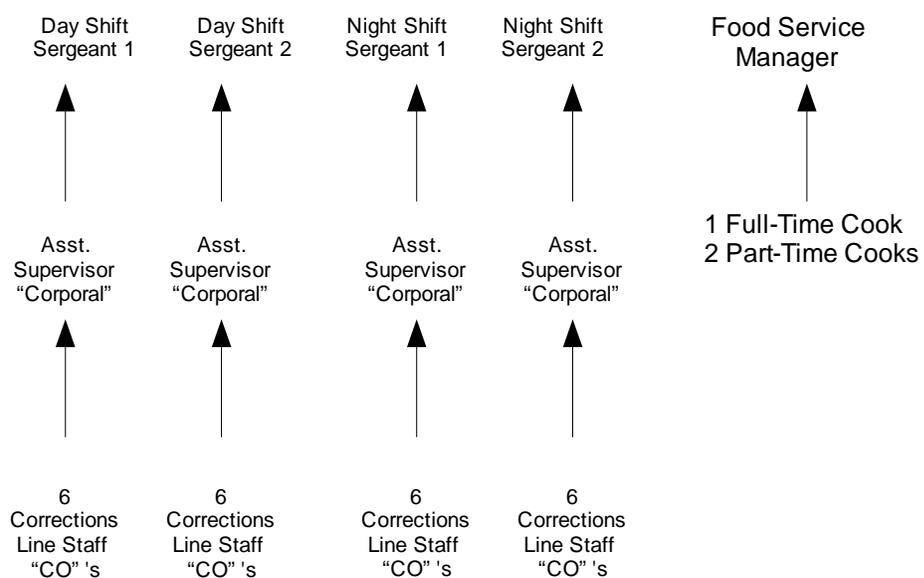
For clarification's sake, I am including the following chart:



The following slide was shown to depict the corrections officers' chain of command:



For clarification's sake, I am including the following chart:



There are four jail supervisors (sergeants) working 12-hour shifts: 2 day shift, 2 night shift. There are four corporals working beneath the supervisors.

**Patrol Division**

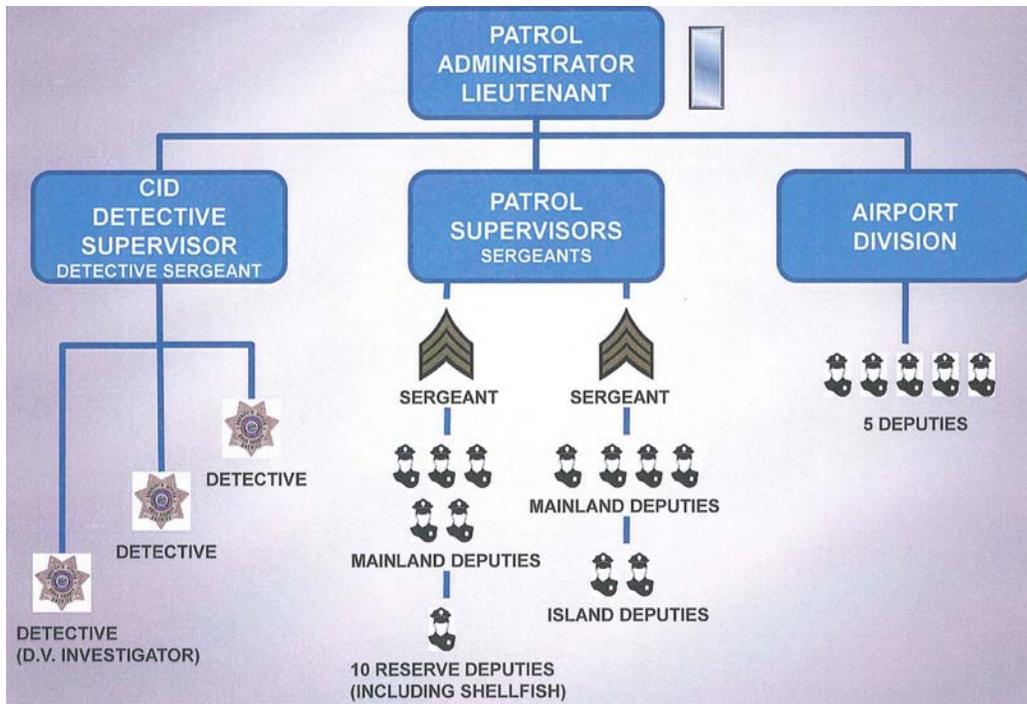
**Patrol Administrator**

- Has the rank of Lieutenant;
- Responsible for all operations in the patrol division
- Supervises the sergeants, who supervise lower ranking officers
  - ◆ 1 Detective Sergeant
  - ◆ 2 Patrol Sergeants

Currently there are two acting sergeants; one is leaving for military duty so the position is filled with an “acting” sergeant until he returns. One Detective was pulled from detective duties to patrol the roads because Patrol is shorthanded. Sergeants do evaluations for the officers they supervise.

There are three spots that need to be filled: one sergeant’s position in an acting capacity to hold the slot for a sergeant that went on military leave, a second sergeant’s position left vacant by an officer who went back to being a regular deputy, and one more regular deputy (full-time, permanent) position that was added into the budget for 2010.

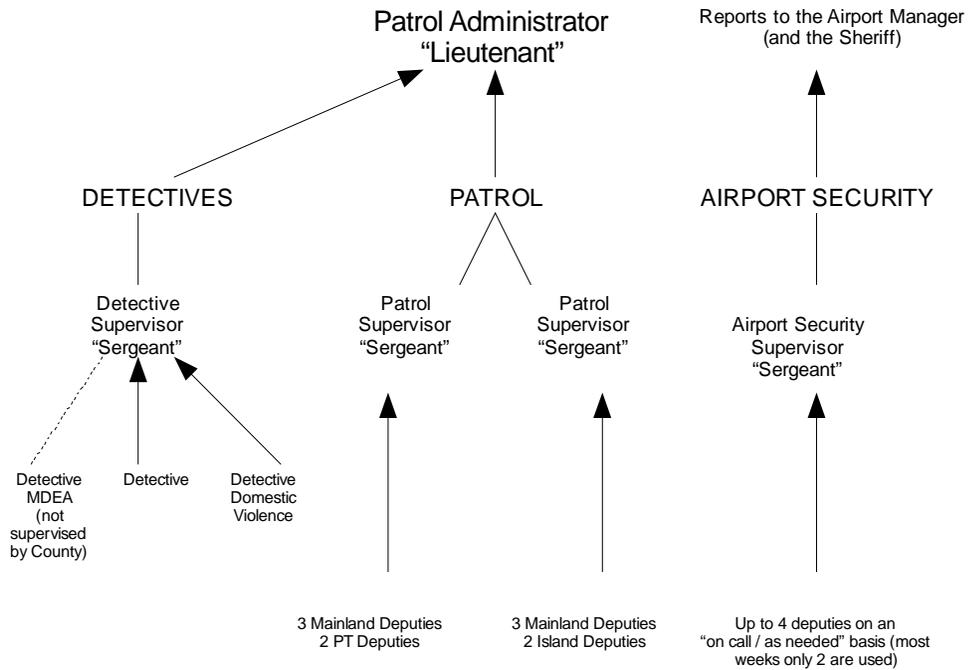
The following slide was shown. The sheriff stated that the number of officers shown are “ideal” numbers and do not reflect the actual number of officers in those rank levels.



*For clarification’s sake, I am including the following chart, because the slide above is partially incorrect.*

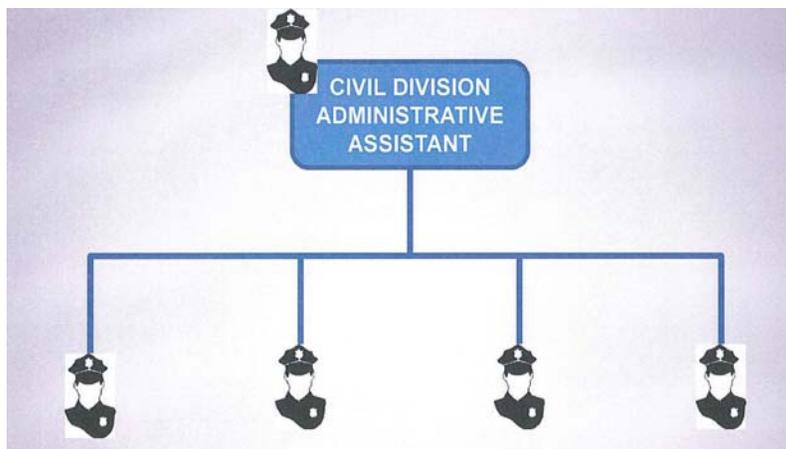
*The airport division (airport security) currently consists of one full-time deputy (a sergeant) that supervises the scheduling of three part-time deputies. The sheriff states that there are five deputies, but there are only four (including the sergeant). Based on current job descriptions, the airport security division reports to the Airport Manager and the Sheriff, not to the Patrol Administrator. The airport security supervisor is supervised/managed by the Airport Manager, not the Sheriff’s Department.*

*Also, the Detective Supervisor is only supervising two detectives, not three; one of the detectives is an MDEA Detective and is therefore paid and supervised by the State. Since one detective is filling the roll of a regular deputy, the Detective Supervisor is technically only supervising one detective at this time:*

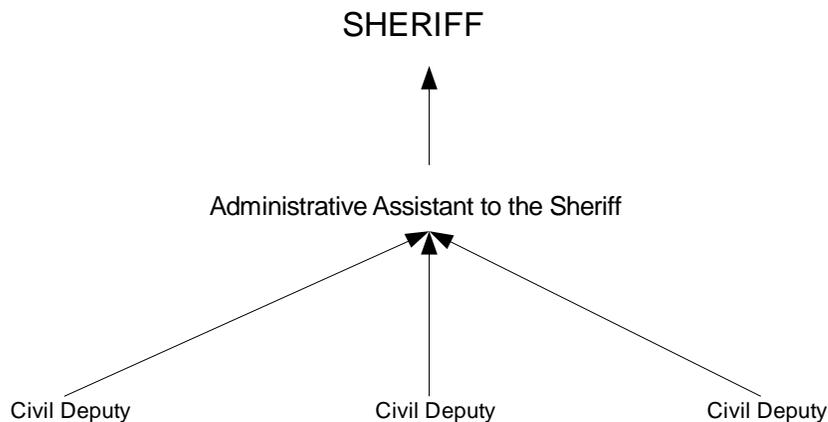


**Civil Service**

The Sheriff’s Administrative Assistant is also a Civil Service deputy. She handles the paperwork and distributes work to the other civil service deputies. Civil deputies do not have the same training requirements as full-time law enforcement officers. The civil deputies only serve papers; they do not have the training of regular deputies so they do not try to make arrests because it is too dangerous.



For clarification’s sake, I am including the following chart as the above slide indicates that including the administrative assistant, there are five civil deputies. Currently, there are only four all together, including the administrative assistant:



Sheriff Dennison stated that in the packets provided to the Commission, it includes a list of officers. There are approximately 40 commissioned officers between the jail, part-time officers, civil deputies, and patrol deputies. Law enforcement officers have a lot of training to do. They are mandated by law to maintain certification through training. The Sheriff’s Office has to make sure that the officers receive that training. In the jail there are approximately 45 full-time employees and 52 part-time employees.

Commissioner Anne Beebe-Center asked why so many deputies live outside the County.

Chief Deputy McIntosh responded that over the years it just worked out to be that way. The taxes are cheaper in some of the towns outside Knox County.

Commissioner Anne Beebe-Center asked how many of the eleven patrol deputy positions are currently vacant.

Sheriff Dennison responded that a sheet in the packet provided to the Commission shows vacancies in red. There are three right now, with a fourth open slot added into the 2010 budget that will need to be filled.

Commissioner Roger Moody how many of the three vacancies relate to an officer being on military duty assignment.

Sheriff Dennison replied that there are two.

Commissioner Richard Parent commented that the sheet did not show whether those slots were actually vacant right now. One of the “vacancies” has not actually left for military duty yet.

Sheriff Dennison responded that her department will soon be down two more than what is shown.

Commissioner Anne Beebe-Center asked the Sheriff if she had temporary people to fill those slots.

Sheriff Dennison first replied no, but then added that she did for the supervisory positions, but that was because she had deputies fill the supervisory positions. The problem then is that there are deputy positions that need to be filled.

Commissioner Anne Beebe-Center asked the Sheriff if she had a waiting list of people that wanted to be deputies, such as part-time deputies who might want to be full-time.

Sheriff Dennison replied that most part-time deputies already have a full-time job somewhere else. She added that there are a few part-time deputies that have already gone through the full-time academy training that would be willing to fill the vacancies for a while.

Commissioner Anne Beebe-Center asked the Sheriff if that was something the Sheriff was interested in doing.

Sheriff Dennison responded that she just wanted to move forward and get the positions filled.

Commissioner Anne Beebe-Center stated that the Sheriff has three vacancies, and will have two more. She asked if this was correct.

Sheriff Dennison stated that this was correct. The additional two consists of an officer being gone for a year, and the other for four months.

Commissioner Richard Parent asked if the Sheriff’s Office would be able to cover the County 24-7 if Patrol had a full slate of personnel (not counting the position added into 2010’s budget).

Chief Deputy McIntosh replied that with the newly added position in the 2010 Budget, the department should be able to sufficiently cover the shifts.

Commissioner Richard Parent asked if it was impossible to have 24/7 coverage right now even with a full slate of employees.

Chief Deputy McIntosh stated that that would be “stretching it” and the deputies would be stuck doing long hours to cover it.

Commissioner Anne Beebe-Center asked if any action had been taken to fill the empty deputy slots.

Sheriff Dennison stated that nothing was happening.

Commissioner Roger Moody commented that at the last meeting (December 8<sup>th</sup>) it had been discussed having the process move forward quickly.

Commissioner Anne Beebe-Center asked if anything had moved forward since the last meeting.

County Administrator Andrew Hart stated that he wanted to clarify the situation. He stated that his understanding of the last Commission meeting was that the Commission wanted to have the patrol administrator position continue to be filled in an acting capacity until the December 22<sup>nd</sup> work session, when these issues were to be discussed. He stated that the Commission did not give him direction any further than that. He added that the position approved in the budget cannot be filled until the year it was budgeted for.

Commissioner Anne Beebe-Center stated that she was more concerned with the two vacancies shown on the sheet provided by the sheriff.

Finance Director Kathy Robinson commented that the open positions are due to active military duty and therefore the County cannot post or advertise for those positions. The positions are not actually “open” because the employees will resume their position when they return from military service. The County is required to hold their job for them. This is very different than a truly “open” position, like the new position budgeted for in 2010.

Sheriff Dennison stated that the positions could be filled “temporary full-time”, because that is what is needed. The positions have to be covered while the deputies are on military duty.

Commissioner Roger Moody suggested advertising for the vacancies and refer to them as “anticipated vacancies”. He stated that it does not commit the County to anything but starts the hiring process to get things in place. As an example, he stated that if a teacher is retiring, the school does not wait until the teacher has retired. Instead, the school would advertize an anticipated vacancy so that someone could be hired early enough that there would be no gap of time between employees.

Deputy Michael Sprague commented that it is not a secret that Patrol has been short-handed for some time. It was also discussed during Union negotiations. He stated that it appears as though wrenches have been thrown into the gears of the process. He added that he did not know what happens at the upper level but that it sounded as though the sheriff is required to wait for the county administrator to give her approval to post for a position. In the meantime, as time goes on, the County is focusing on less important issues, rather than the bigger picture. The department gets depleted over time if employees are not hired to fill the open slots. The department is going to be down five positions, which is a huge concern for the remaining deputies that have to be out on the road alone and work longer shifts to cover for the lack of employees. The public will not be happy that the County is unable to provide the level of services that they are paying for because the County does not have the manpower to do it. The longer the County waits instead of giving the sheriff authorization to hire some temporary part-time employees, the more the ship will sink. It is a good idea to plan ahead and start advertizing early because it is hard to find new deputies since the pay is usually higher elsewhere. The number of new deputies being trained at the academy gets smaller all the time. There are other jobs that pay better, the requirements are strict, and it is a tough job to do. The County has a hard enough time just recruiting deputies; to find the good ones, the County needs to act in a timely manner.

Commissioner Anne Beebe-Center stated that her understanding from the last meeting was that the Commission wanted to fill any vacant patrol deputy position, but what she now understood from this meeting is that those technically are not vacant positions because those deputies are in a supervisory position, in an acting capacity, temporarily.

Deputy Sprague stated that Commissioner Beebe-Center was correct and that the only true vacancy would be the new position added in January. He stated that the other positions can be advertised as a temporary position. As long as applicants are made aware that the position is only temporary, there will not be any problems down the road when the original employees eventually go back into their original slots. For some people, being a temporary employee would be worth the opportunity because it may help them get their foot in the door. Other full-time permanent slots may open up later on that they could apply for.

Commissioner Anne Beebe-Center asked if the reason why one of the detectives was doing deputy work was because there was not enough work for the detective to do as a detective. She stated that she thought that instead of the detective serving as a patrolman, the empty patrolmen slots should be filled.

Sheriff Dennison responded that this is what should have happened but did not. She added that the detective could not dedicate his time to just being a detective with the roads not being patrolled well enough because of the lack of patrolmen. She stated that she had to weigh the priority of keeping the detective as a detective, or have him help out with the patrol duties.

Acting Patrol Administrator Tim Carroll stated that those present should not lose sight of the fact that the acting supervisors in Patrol are still patrolmen. Having patrol deputies temporarily fill supervisor (sergeant) positions does not “remove” them from Patrol. It just means that they are, in addition to being out on patrol, supervising other deputies.

Commissioner Anne Beebe-Center stated that she was just trying to figure out how all of the positions budgeted for could be filled so that the County has a full roster.

Sheriff Dennison responded that the way to do that is to advertise.

Commissioner Anne Beebe-Center asked who the detective was that is currently not working as a detective.

Sheriff Dennison responded that it was Detective Don Murray.

Commissioner Anne Beebe-Center asked if there was any reason that the County could not advertise to fill Detective Murray’s position and the newly added position for 2010. She asked if it would be problematic.

County Administrator Andrew Hart stated that one of his concerns is that the advertising budget line, as well as the whole Executive Budget in general, is depleted. There simply is no money left in the 2009 budget to advertise for empty positions.

Commissioner Richard Parent asked how much it would cost to advertise the position.

Administrative Assistant Candice Richards stated that the cost is contingent on which day of the week it is advertised, the size of the ad itself, how many times the ad is run, and whether the County wants to pay additional money to have it on the Village Soup website, instead of just having it in the physical news paper. Just having it advertised in the physical newspaper usually runs between \$300 and \$500 just for one ad.

Commissioner Anne Beebe-Center stated that it was the 22<sup>nd</sup> of December so she did not understand why the 2009 budget would be a problem because it was almost 2010.

Administrative Assistant Candice Richards explained that if the expense is incurred during the 2009 calendar year by advertising before January 1<sup>st</sup>, it has to come out of the 2009 Budget.

Finance Director Kathy Robinson stated that this was correct.

Deputy Sprague asked how the County could weigh the cost of advertising against the safety of the citizens of Knox County. He stated that it cannot be done because you cannot put a price on people’s lives.

Commissioner Anne Beebe-Center asked why there was no money left in the Executive budget.

County Administrator Andrew Hart stated that the legal bills for 2009 were high because of issues came up that the County had no control over, and no money had been budgeted for labor negotiations so the other budget lines had to cover the deficit.

Commissioner Anne Beebe-Center asked Finance Director Robinson if there were any pockets of money that could cover the advertising expense.

Finance Director Kathy Robinson replied that right now, the Executive office budget is hurting, and that is where any advertising gets funded from. One option would be to fund it from Contingency funds, but the County tries to hold department heads to stay within their budget. She stated that she believed this was what Administrator Hart was trying to do. He is struggling to have his budget balance out since there have been extra expenses that were not budgeted for.

Commissioner Anne Beebe-Center asked Finance Director Robinson if it would technically be possible for the County to advertise for the patrol positions even if it put the Executive office over budget.

Finance Director Kathy Robinson replied that State Statutes say that you cannot do that, but the Commission makes the decision. If the expense is incurred in 2009, it has to come out of the 2009 Budget.

Commissioner Roger Moody asked what the current balance was in the Contingency Fund.

Finance Director Kathy Robinson replied that there was \$100,000.

Commissioner Richard Parent commented that he believed the County should advertise.

Finance Director Kathy Robinson stated that \$100,000 is what the statute states the County should have. It is a guideline that the County should follow.

Commissioner Anne Beebe-Center asked Finance Director Robinson if the County could go below the \$100,000 mark.

Finance Director Kathy Robinson responded that this was possible.

County Administrator Andrew Hart commented that one thing that he and Ms. Robinson had discussed was that the County does not know yet how much of the Contingency funds will need to be used in 2010. He added that this could not be predicted.

Commissioner Richard Parent asked if drug forfeiture money could pay for the advertising.

County Administrator Andrew Hart replied that all advertising comes out of the Executive budget and that normally, each department does not budget for that.

Finance Director Kathy Robinson stated that in her opinion, if the Commission wanted to move forward, she should be able to find the money, whether it be from forfeiture or somewhere else. She stated that it is a little bit outside the norm, but the situation itself is outside the norm.

Commissioner Roger Moody commented that the Commission was not really in the position to take a vote on the matter at that time because it was not on the published agenda, but that his opinion was that the County should begin prepping the ads and getting the word out that the County needs to fill some positions.

Acting Patrol Administrator Tim Carroll stated that more than the need to find the money to advertise, the Patrol Department needs authority from the Commission to be able to go ahead and do it. He stated that a lot of law enforcement officers still have ties to the Maine Criminal Justice Academy (MCJA), and that with one phone call to the MCJA, the word could get out. There is some advertising out there that is free.

Commissioner Anne Beebe-Center commented that although the Commission could not take a vote, the commissioners could reach a consensus and ask that the position being held by Donald Murray and the newly added position be advertised. Those two positions should be filled right off.

Finance Director Kathy Robinson stated that she was confused about Don Murray's position and what was actually going to be advertised.

Commissioner Anne Beebe-Center stated that she had misunderstood. She stated that she had thought that the Sheriff's Office had three detective positions.

Sheriff Dennison explained that when Kirk Guerrette became the Maine Drug Enforcement officer per the County's agreement with the MDEA, Don Murray stepped into his place as a detective to keep that slot filled. She stated that she believed that it was good experience for the deputies to step into the detective slots for a year, if they want to stay there that long, and learn the techniques. That way they can go back out on the road and apply what they have learned. She stated that two nights before, she had pulled Don Murray off the detective position and put him back out on patrol. When Kirk Guerrette comes back, that detective slot is his position. The Sheriff's Department is mandated by the contract to have that filled.

County Administrator Andrew Hart asked what happens now that Deputy Murray is back to being a patrolman, and Kirk Guerrette is still the MDEA officer. If another deputy fills the detective position, when Kirk comes back, that deputy will be bumped back to a regular deputy position.

Sheriff Dennison stated that this was correct.

County Administrator Andrew Hart then asked if that would mean that the deputy hired to fill the deputy slot while Don Murray was filling the detective slot would lose their job because Don would get his deputy slot back.

Sheriff Dennison stated that that was exactly what happens but that it is not always known when it will happen.

Deputy Sprague stated that this is why the Sheriff's Office would hire some deputies on a temporary basis, making sure it was understood that the positions are only temporary. He stated that the new position could be filled on a permanent basis; Don Murray's position could be filled on a temporary basis. Deputy Brundrett will be going to the academy for 18 weeks, starting in January, so his position will need to be filled temporarily. He stated that he, himself, would be leaving on military leave in February and so his position would need to be filled temporarily for a year, until he could resume his position here. This all adds up to three temporary full-time positions within the next three months, and one permanent full-time position.

County Administrator Andrew Hart commented that he wanted to make sure he had the numbers correct because each sheet seemed to have different numbers on it. He asked if once the new 2010 position is filled if there will be eight mainland deputies and two island deputies, for a total of ten.

Sheriff Dennison stated that this was correct, but then stated that it was incorrect; there will be nine mainland deputies and two island deputies.

Deputy Sprague stated that there will be nine mainland deputies, two island deputies, and two sergeants. For just deputies, there will be a total of eleven.

Sheriff Dennison stated that the ninth mainland deputy is the newly added position.

Commissioner Anne Beebe-Center remarked that the Sheriff's documentation showed there already being nine deputies.

Sheriff Dennison responded that it was an error.

Commissioner Anne Beebe-Center asked which position did not belong on the chart.

Sheriff Dennison replied that the chart should be fine and that an extra person was put in by accident.

Deputy Sprague stated that there are nine mainland deputies.

Commissioner Anne Beebe-Center commented that the chart shows nine but the Sheriff was saying that there are really only eight deputies.

Commissioner Roger Moody commented that the 2009 budget shows seven deputies and the 2010 budget shows that there will be eight.

Commissioner Anne Beebe-Center added that the eight positions in the 2010 budget includes the new position (so it is actually seven plus the new position equals eight patrol deputy positions total in 2010).

County Administrator Andrew Hart commented that it is confusing to have the budget say there are a certain number of positions and yet at the meeting a different number is being stated. There has been so much moving around of deputies moving in and out of detective positions that it has been very confusing how many positions are actually empty.

Sheriff Dennison commented that she believed the error on the chart was because Don Murray's name had already been moved to a patrol deputy position, so it looked like there was one extra deputy.

Commissioner Anne Beebe-Center asked if Don Murray's name should therefore be put in one of the red vacant positions on the chart and not in a separate position of his own.

Sheriff Dennison stated that this was correct.

Commissioner Anne Beebe-Center summarized that the County would find the money to advertise for the patrol positions, interview some applicants, and make sure they understand that three of the advertised positions were only temporary and they could be displaced if and when the original occupant of that position returns to that slot. There will also be one permanent full-time position to be filled as well. Don Murray will resume his roll as detective.

Sheriff Dennison commented that Don Murray knew that he was just going to be a detective for a year so that he could learn the job. After his turn is over, someone else from the patrol division could assume that roll if they were interested in learning the job. There are eight patrol positions with two detectives, for a total of ten deputies on the mainland, and then two on the islands for a total of twelve.

Commissioner Richard Parent asked if Tim Carroll was still the patrol administrator in an acting capacity.

Sheriff Dennison stated that this was so.

Commissioner Roger Moody commented that this must cause problems in the patrol department because deputies are constantly in and out of positions.

Sheriff Dennison responded that this was correct.

Commissioner Roger Moody added that things were only made more complicated by the fact that the Sheriff's Office was going to hire temporary deputies because the current deputies are taking on higher positions temporarily.

Sheriff Dennison explained that the detective position is a Union job and that the County has to go by the Union Contract. The position has to be offered in-house before advertising outside. The back filled spots have to be kept as temporary and cannot be filled permanently.

Deputy Sprague commented that the problem all started when Kirk Guerrette went to work for the MDEA. That is when the sheriff started rotating deputies through his detective slot.

Commissioner Anne Beebe-Center asked how long Kirk would be working for the MDEA.

Deputy Sprague responded that this was not known, but that the MDEA revisits and renews their contract with the County once a year. If the State still has the money to fund the position, Kirk could be there indefinitely.

Sheriff Dennison commented that the State is paying full wages and benefits for Kirk. He is, in a sense, on loan to the MDEA. He is learning a lot and will bring that knowledge back with him when he returns to the patrol division as a detective, which will be an asset to the department.

County Administrator Andrew Hart stated that one matter still remained to be discussed: the patrol administrator position. He stated that the County needs to advertize for that.

Commissioner Anne Beebe-Center remarked that that was a whole different process.

County Administrator Andrew Hart commented that this was true but that right now, one deputy is serving as the acting lieutenant which means that his deputy position is basically vacant while he is the lieutenant. He added that unless the Commission wanted to do something different, the past practice had been to advertise for the position because it is a non-Union position.

Commissioner Anne Beebe-Center stated that she believed that the County needs to advertise for that position.

County Administrator Andrew Hart stated that there are a lot of questions raised when a Union employee is filling a non-Union position in an acting capacity. Are they Union? Non-Union? Can they file grievances for Union employees? Some of these things have been done hastily without looking into the long-term ramifications first. He stated that it leaves him responsible to check to see what is legal and how much risk there will be. He stated that he is constantly being told to "hurry up and do something". He added that he was not saying that safety was not important, but that nothing has been done consistently in Knox County and although he is trying to have some consistency, he is being criticized for it. No one is taking the time to make sure it is okay to do something; they just want immediate results. He added that he had some facts in front of him that he would still like to know the "why" behind the way things are, and that information is not being provided. When the Budget Committee goes to look at why the County needs certain things, he needs to be able to show them the facts to back it up. He stated that safety is important and his goal is not to block the Sheriff's Office from operating; there needs to be some consistency in the County. Things have not been done properly in the past. He stated that he could understand why people are frustrated with the way the County operates; employees do whatever they want and do not follow policy or guidelines. He stated that he is just trying to follow the rules but people are still trying to fight him on that. He added that he is not against certain departments or trying to cause problems for the County, but that he is just trying to do his job.

Commissioner Richard Parent commented that when he was a State employee, the State used to fill non-union supervisory positions temporarily with union employees and there was never any problems arising from that.

Deputy Sprague commented that for the department to function properly, the upper leadership needs to be there. There needs to be someone to control the chaos. The facts are that the department cannot run without key components like the patrol administrator position. The process has been delayed for so long that the department is down five positions and the Sheriff has had to make some tough decisions of how to cover the safety needs of the County. At some point, someone has to make a decision. He added that he did not care whose fault it is but that the question is how does the County get out of the hole?

Commissioner Anne Beebe-Center commented that in her own experience, when a management position became vacant because of someone retiring or leaving, the management above that person hated stepping in to cover the duties of the person who left. The management would do whatever they could to get the position filled so they did not have to do the extra work themselves. She stated that the conflict for her comes from two issues: having a Union employee in a non-Union job, and the fact that the Chief Deputy should be able to handle the responsibilities of the patrol administrator until the position can be filled. It would only be three or four months until the organizational study could be underway and determine what the Sheriff's Office actually requires for staffing. She added that she was not comfortable filling the patrol administrator position permanently without having the organizational study done. If the Chief Deputy refuses to do it, that puts the Sheriff's Office in a completely different situation.

Commissioner Richard Parent asked if Commissioner Beebe-Center really believed that the study would be completed in three months.

Commissioner Anne Beebe-Center replied that she hoped that by January the County will have the specifications of what the Commission wants to accomplish with the study. A number of companies capable of doing the study have already been identified. She stated that she hoped to have the first reviews started in three to four months.

Deputy Sprague commented that that was a best-case scenario.

Commissioner Anne Beebe-Center stated that this was correct.

Deputy Sprague asked what the worst-case scenario would be.

Commissioner Anne Beebe-Center responded that the worst-case scenario would be six months.

Commissioner Roger Moody commented that the issues raised by the county administrator are entirely valid and that he did not have any problem with those; however, these problems do not seem to be anything new for the County or even other counties. He stated that in his past work experiences, he has never known the issue of supervisory versus non-supervisory positions to be an organizational problem. They always seemed to work out on their own. He suggested that perhaps a side agreement could be attached to the Union contract that spells out how benefits, responsibilities, confidentiality of management, grievances, etc. would be handled when a Union employee is temporarily filling a non-Union roll. He suggested checking with other counties to see how they handle similar situations. He stated that he would like to see a lot more cooperation between the Sheriff's Office and the other four police departments in Knox County. If there were working relationships between the Sheriff's Office and those police departments, deputies on duty would have another resource besides the patrol administrator to consult with, 24/7. This could also include sharing resources or helping to fill in a gap. He stated that this is the direction that he would like to see the County go in.

Deputy Sprague commented that this was a really good idea and that the department has explored some of that already in some of the different areas of patrol. He stated that the problem with collaboration seems to be the question of who is going to be paying for the services of the officers. Thomaston, Rockland, Camden, and Rockport will not let their police officers help out deputies if it is outside that police department's jurisdiction unless those police officers are already a part-time deputy for the County of Knox. The County has to pay the policemen's insurance in case something happens to them while they are assisting the County.

Commissioner Anne Beebe-Center commented that she thought that all law enforcement agencies worked together.

Deputy Sprague stated that they do sometimes work together when it is an emergency, under the mutual-aid agreement. If a deputy asks for backup for something like breaking up a party but it is not an emergency, the contacted police department will most likely say no. For them to come out, the County would have to pay them to, and they would have to be commissioned as deputies for the County ahead of time. He added that some police departments do not want their officers working for other departments, so it is not always possible to deputize some officers so that they could assist the

County. Departments do not necessarily work well together. There have been some issues with deputies handling traffic incidents or other problems within town boundaries that have their own police department, because then the citizens of that town are wondering why the incidents were not being handled by their own police department.

Commissioner Roger Moody stated that meetings and agreements would have to be set up to make it transparent as to why citizens in Camden might see deputies on their streets. The Select Board of the town would need to have an agreement with the County for specific services.

Chief Deputy McIntosh stated that he believed he understood where Commissioner Moody was going with his thinking. He stated that he believed that Commissioner Moody was thinking that if the County does not have a lieutenant but Rockland PD does, deputies could call Rockland's lieutenant for advice. The problem is, however, if the Rockland lieutenant gives County deputies advice that is wrong and the deputies act on that advice, it is the County that will be sued.

Commissioner Roger Moody stated that he would still rather have a lieutenant from an active jurisdiction than someone who might be well-intentioned but less experienced.

Sheriff Dennison commented that the police departments would not want the Sheriff's Office giving advice or direction to their officers either.

Commissioner Richard Parent asked if the same constraints existed when working with the State Police; meaning, if a State policeman called a town police department for assistance, would the same constraints be there?. He asked if the towns work well with the State or if it is just the County that they have difficulty working with.

Sheriff Dennison replied that in an emergency, any number of agencies will provide backup.

Deputy Sprague stated that in an emergency, backup is covered by the mutual aid agreements, but one department cannot call another to cover a regular work detail or a non-emergency issue. He stated that this is why you do not see State Police using a speed radar on non-state roads.

Sheriff Dennison commented that the State Police tries to stay out of areas where local police departments have jurisdiction. She added that some people seemed to have the misconception that the Sheriff's Office has a bad relationship with the local police departments. She stated that it may have been that way before, but that she feels they currently have a good working relationship with the four police departments now. She added that if she has a question, she calls on the police chiefs for advice. She stated that she has done this many times.

Commissioner Roger Moody stated that he did not mean to imply that there was an issue with the County working with the towns but that he just wanted to brainstorm some ideas be open for some possibilities of how to provide support for the Sheriff's Department with no patrol administrator.

Acting Patrol Administrator Tim Carroll commented that every county in Maine has a Sheriff, Chief Deputy, and Patrol Administrator (either a lieutenant or a captain). Having a lieutenant is not going outside the box. Regardless of the size of the other sheriff's departments in other counties, the setup is the same.

Commissioner Anne Beebe-Center commented that it is entirely possible that the organizational study will indicate that two lieutenants are needed. At this point, she has no idea either way. She stated that it seems a shame to put someone permanently in a management position when the management structure is going to be reviewed. She did not see a problem with having the position filled temporarily.

Commissioner Richard Parent commented that the real issue is filling positions temporarily. The patrol administrator position could be treated the same way. The County could fill the position with the person hired having the understanding that the position will be under review during the organizational process. If it were determined that the position was not needed, that employee would have to step back into a lower position. He stated that while he believed it would not happen that the position would be proven as unnecessary, if it did happen, the County could work around it.

Commissioner Anne Beebe-Center stated that this would not resolve the issue of a Union employee covering a non-Union position; however, she would rather see it filled temporarily if the upper management is unable to cover the duties themselves.

Commissioner Richard Parent commented that if the acting lieutenant were to be offered the position permanently, he would no longer be a Union employee anyway.

Commissioner Anne Beebe-Center stated that there is still a proper process that has to be followed when filling the patrol administrator position, which is to advertise outside the department.

Commissioner Richard Parent stated that it was fine to do that, but that he felt that the person selected should go in with the understanding that if the study shows that the position is not needed, the position may not be there in six months.

Deputy Sprague asked if it was a requirement to advertise Union versus non-Union positions or if it were possible to simply offer it to a candidate that the County thinks could handle the job.

Commissioner Anne Beebe-Center stated that she believed that it had to be properly advertized to make the process competitive.

Acting Patrol Administrator Tim Carroll stated that according to the Personnel Policy, the Sheriff can request to appoint someone to that position.

Deputy Sprague commented that that might alleviate half of the issue. He stated he could not understand why the Sheriff could not simply just offer the job to somebody.

Commissioner Anne Beebe-Center responded that the County could not do that because knowing who you want and hiring the most qualified person is not the same thing. When public servants just hire whomever they want instead of hiring someone qualified, that is why people get sued.

Acting Patrol Administrator Tim Carroll asked to quote from the Personnel Policy. He read aloud Article 4.1, *Hiring Authority*:

“With the exception of constitutional or statutory officers the County Commissioners shall be the hiring authority for all County personnel. All department requests for personnel will go to the County Administrator for review. If the request is approved, the County Administrator will refer the request for hiring a new employee to the Deputy County Administrator for immediate action, OR, upon the recommendation of the department head, Commissioners shall have the authority to appoint a person to the open position.”

Chief Deputy McIntosh commented that it would save a lot of time.

Commissioner Roger Moody stated that he would be uncomfortable setting the precedent of having the process go around the county administrator.

Commissioner Anne Beebe-Center commented that it would be dangerous and illegal.

Commissioner Roger Moody stated that it would not be healthy in the long run. He added that he was not saying that the County did not already have good people working in that department, but that if it were only advertized in-house, it would be unknown if the person selected by the Sheriff would be successful. In the long run, the best way to go is to advertize and interview to ensure that the County has the best people. The public would expect employees to be hired with more understanding than just automatically promoting instead of seeing if there are other qualified candidates.

Deputy Sprague commented that he was not suggesting that the Commission do anything specific, that he was just asking a question.

Sheriff Dennison stated that she had a question. She asked what happens to the money left over in the budget lines from not filling the positions.

Finance Director Kathy Robinson answered that the money goes into surplus. The County is required to carry a certain amount of surplus for when unexpected problems happen, such as the lawsuit that was settled a couple years ago.

Sheriff Dennison asked if the money saved by not hiring people was being used to pay for the lawsuit.

Finance Director Kathy Robinson stated that it is the same for all departments; any money that is not used by the end of the year automatically goes into the surplus.

Sheriff Dennison asked if it was considered a general fund for use by all departments.

County Administrator Andrew Hart responded that it is, but that use of surplus funds is subject to approval by the Commission.

Finance Director Kathy Robinson commented that she did not believe the issue being discussed was a financial issue.

Deputy Sprague stated that he was just wondering because the advertising part was a financial issue.

Sheriff Dennison stated that the money is there to fill the empty positions. If the positions are not filled, then there is money left over at the end of the year. She asked if that was why the positions are not being filled.

Both County Administrator Andrew Hart and Commissioner Roger Moody answered no.

County Administrator Andrew Hart stated that the detective's position only became vacant a week prior to this meeting. The sergeant position was posted prematurely without authorization and the County wanted to wait until after Union negotiations were completed. There was one individual's application that was marked as ineligible, but no reason was given to explain why, and another applicant was included but he was not eligible because he was in the middle of his mandatory six-month probationary period. Administrator Hart stated that at that time, he made the decision to hold off filling that position so that the employee on probation would be eligible to apply for it. After that, the Administrative Offices were busy with the budget. He stated that he would take the blame for not filling that position. The other sergeant's position only recently became vacant when Sergeant Burns went overseas on military leave. There is already an employee covering that position in an acting capacity, and will be doing so until leaving on military duty themselves in March. He added that he was not sure what could be done about that position at this point, with someone still filling it in an acting capacity. As far as the new deputy position goes, the County could advertise for that now since the budget was just approved. He stated that he was just trying to get some clarification because looking back at how things have been done in the past, it seems like it was done differently each time. There is still someone filling the North Haven slot so that is not empty at the moment. The part-time deputy currently filling that roll would like to apply for one of the full-time positions on the mainland, which would then leave a vacancy on the island. The previous North Haven deputy was hired with the understanding that he would stay there, but then he ended up coming to the mainland anyway. After that, the most recently hired full-time deputy had to go over there to cover that position, but recently had to come back to the mainland so he could attend the Maine Criminal Justice Academy.

Commissioner Anne Beebe-Center asked who would be the deputy on North Haven.

County Administrator Andrew Hart replied that right now a part-timer is on North Haven, but if he leaves, another deputy will have to go over there to fulfill the contract. He stated that all this moving around causes a problem.

Commissioner Richard Parent commented that moving around a lot is normal.

County Administrator Andrew Hart responded that he agreed with that if the moving around was within the department, but right now the County keeps having to hire temporary employees to cover for the deputies covering for other deputies.

Commissioner Richard Parent stated that another deputy will have to be hired, regardless of whether the vacancy is on the mainland, or on the island. North Haven is a part-time position. You would not take a full-time person from the mainland to work a part-time position on the island.

County Administrator Andrew Hart stated that the North Haven deputy contract is not a part-time position. It is a full-time, forty hours per week position.

Commissioner Anne Beebe-Center stated that right now the position is simply being filled by using a part-time employee.

Deputy Sprague stated that the North Haven deputy is temporary part-time.

Commissioner Anne Beebe-Center asked what the contract with North Haven states regarding the number of hours.

Finance Director Kathy Robinson stated that the deputy is working a full-time slot and is making full-time pay, so all of the bases are covered; he is just labeled as a part-timer. When you do a headcount of full-time employees, that deputy is not counted in that group because he is technically a part-time employee.

Chief Deputy McIntosh explained that it just means that the deputy is restricted to the number of hours he can work because he is part-time. For him to work more hours he would have to be made a full-time employee.

Deputy Sprague commented that the deputy would have to go to the academy at some point before he could be a full-time deputy.

Commissioner Anne Beebe-Center asked if the North Haven says the deputy will be “full-time” or if it says “40 hours”.

Chief Deputy McIntosh replied that the contract states it is “40 hours”.

Commissioner Roger Moody admitted that he was still a little bit confused. He asked if the North Haven deputy was receiving benefits.

Finance Director Kathy Robinson stated that the deputy was not receiving benefits but was getting paid the full-time status pay rate as though he were a full-time deputy. He is not being included in any of the numbers being discussed because he is not a full-time deputy. The full-time deputy slot for North Haven is physically filling a slot here on the mainland because the department is short-staffed. It is a temporary fix. The deputy on the island is working 40 hours and filling the commitment made by the County.

Commissioner Roger Moody asked if this was on a temporary basis.

Commissioner Anne Beebe-Center asked if the deputy wanted to leave.

Finance Director Kathy Robinson replied that she did not know the answer to that.

Sheriff Dennison commented that the deputy could quit at any time since he is not a full-time employee and does not have any sort of contract with the County. The County cannot order him to stay there.

Chief Deputy McIntosh commented that the deputy wants to apply for the new full-time deputy position in the new budget so he can be full-time and get benefits.

County Administrator Andrew Hart stated that if that happens, another deputy will have to be found to go to North Haven.

Chief Deputy McIntosh stated that the deputy would just have to stay there until the department could get someone else to go.

Commissioner Anne Beebe-Center asked if the County should look outside the “reserve” list or look at the part-timers.

Chief Deputy McIntosh responded that in the past, the department had posted new positions within the department, and any part-timers who wanted to apply could do so. Many of the part-time deputies have already proven themselves.

Commissioner Anne Beebe-Center commented that for about 20 people in a department, it sure seemed like a complicated mix of staffing issues.

Sheriff Dennison stated that if the County could do whatever could be done to fill the temporary full-time slots, and if the patrol department could do whatever would be agreeable to the county administrator, things could move forward. The deputies cannot just be put right into the slots; they have to be trained first. It takes time.

Commissioner Anne Beebe-Center stated that she believed everyone was in agreement that the County needed to advertize the three temporary full-time positions and the one permanent full-time position.

Chief Deputy McIntosh stated that as the county administrator said earlier, the matter of what should be done about the patrol administrator position still needs to be decided. Nothing has been decided since the previous Commission meeting that was two weeks ago.

Deputy Sprague commented that everyone needed to keep in mind that the new employees need to be brought on board as soon as possible because there is a four to eight week training period,

depending on each person's past experience and speed of learning. They need to start training as soon as possible so that they will be ready for when the deputy, they are covering for, leaves.

Chief Deputy McIntosh added that the hiring process takes a few weeks also because of testing and interviews.

Deputy Sprague stated that if you do the math, the County is already behind in getting the process started.

Commissioner Anne Beebe-Center asked how it would work to have new people come on and do training before the current employees have even left.

Finance Director Kathy Robinson explained that one position is a truly open position, so there is no overlap there. For the other three, those are temporary positions. They will be making the right amount in salary but will not be receiving any benefits because they are temporary. The temporary slots are because of employees going on military duty so the County is bound to hold those positions for them. There will be no "open" slot for the temporary employees once the original staff comes back to take their positions.

Chief Deputy McIntosh asked if it were possible for temporary full-time employees to get benefits.

Finance Director Kathy Robinson stated that it has not been done in the past, but there is also nothing in the Personnel Policy or the Union Contract that prohibits it.

Chief Deputy McIntosh stated that if the person is not getting benefits, they do not get vacation time or anything like that. He stated that it could be tough to find people who would be willing to work six months or a year with no benefits at all, especially if the County is looking to hire qualified, academy approved officers. He stated that he believed benefits should be part of the deal for them, or the County will end up with the bottom of the barrel.

Finance Director Kathy Robinson commented that the issue would be what benefits they could have because some benefits you have to have been working for the County for a certain amount of time anyway, such as the ICMA retirement plan. She stated that she had not really considered sick leave or vacation because even though new full-time employees accrue sick/vacation leave from the beginning of when they were hired, they are unable to use any until after their six month probation is successfully completed. Health insurance is a big draw for potential employees. If you offer health insurance, even if it is only for six months or a year, you will probably get a better group of applicants to choose from. If it were to be offered, it would probably have to be written into the Union Contract because it would be going outside the normal setup. It would have to be decided what paperwork needed to be set up.

Commissioner Roger Moody commented that it was not a financial issue to offer the temporary full-time employees health benefits since the County has already budgeted based on a full roster. He stated that the County should do it.

Commissioner Richard Parent stated that he agreed.

County Administrator Andrew Hart asked if it would just be health insurance.

Sheriff Dennison stated that there are also vacation and holidays.

Chief Deputy Ernie McIntosh added that there is also sick time.

Commissioner Richard Parent commented that if the temporary employee was only here six months, they will not have accrued much by that point anyway.

Finance Director Kathy Robinson stated that if the temporary employees are accruing vacation time, then the County is required to pay out vacation time to them that they were unable to use because of the relatively short time they had worked for the County.

County Administrator Andrew Hart asked if the County was going to offer the temporary employees all benefits except the ICMA Retirement plan.

Finance Director Kathy Robinson commented that that leaves health benefits, sick time, holidays, and vacation time. They will accrue leave time during the first six months, but like regular full-time employees, they will not be able to use any of it until after the first six months.

Deputy Sprague commented that the list of benefits being offered needs to be in the job ad or applicants will not know about it.

Finance Director Kathy Robinson commented that the County already has one employee working in a temporary full-time capacity. She asked if this offer would apply to him and when it would go into effect for him since he has already been working on North Haven for quite a while.

Deputy Sprague suggested that if that deputy gets the permanent full-time position, he should get benefits retroactive back to when he first started working for the County.

Commissioner Richard Parent stated that Deputy Sprague's comment would not work because the deputy would be applying for a new position.

Finance Director Kathy Robinson stated that the clock would start from when the deputy starts working for the County as a permanent employee.

Deputy Sprague stated that the North Haven deputy is not considered temporary full-time; he is actually a part-time deputy who happens to be working 40 hour shifts right now. If he were temporary, then he could be included in the discussion, but he is just part-time.

Commissioner Anne Beebe-Center stated that the benefits will only apply to the four positions being advertized. She added that while she knew this was setting a precedent, this is a unique situation, and should be described as so, so that it does not become something that happens all the time. This is a one-time situation.

Commissioner Richard Parent stated that he agreed. He stated that it just gets the County through this particular problem of getting the positions filled. The County needs to come up with a policy to follow each time this situation comes up.

Commissioner Roger Moody asked if there was a policy that covered temporary employees.

County Administrator Andrew Hart stated that only the County's Personnel Policy addresses temporary employees. The subject is not even mentioned in the Union Contract.

Commissioner Roger Moody commented that if a more permanent policy is not established, there will be confusion later on down the road as to how a situation was handled.

Commissioner Richard Parent commented that when the organizational study is done, the County may find that the benefits currently being offered to employees is either not enough or more than enough based on what is "standard". Until the study is done, it would be better to not make any permanent changes.

Finance Director Kathy Robinson suggested that language could be added to the Personnel Policy that allows the Commission to make decisions like this on a case by case basis. That way it would not become the norm but would allow some differences in unique situations.

Commissioners Anne Beebe-Center and Roger Moody both stated that they felt this made sense.

Commissioner Anne Beebe-Center asked if the Commission was in agreement that this was how the Commission wanted to proceed.

Commissioner Richard Parent replied that he was in agreement.

The commissioners seemed unsure if they were allowed to take a formal vote. It was noted that the meeting was a "special commission meeting" because it was not on the regular day, but it is not uncommon for the Commission to vote on a discussion item even if it does not indicate on the agenda that a vote will be taken.

Commissioner Roger Moody stated that he believed that if the Commission gave the county administrator "direction" at this time, the Personnel Policy changes would go back to the Commission for final approval anyway.

Commissioner Anne Beebe-Center stated that she agreed.

Commissioner Richard Parent commented that a decision still needed to be made on the patrol administrator position. He stated that he had made his own decision but the Commission had not formally made any decision.

Finance director Kathy Robinson stated that a decision also needed to be made regarding the truly “open” sergeant’s position that is currently being filled in a temporary basis by a deputy. This was the position that the county administrator had stated was posted without authorization of the Administrative Office.

County Administrator Andrew Hart asked if anyone was even still interested in the position.

Deputy Sprague stated that it had been posted so long ago (six months), that there has been some confusion as to which Union Contract the County should go by. It was posted prematurely before the signing of the new contract, and he had heard that some of the administration wanted to go by the old contract, while some wanted to go by the new one.

Commissioner Anne Beebe-Center asked if it should just be reposted with the understanding that the new contract is in effect.

Deputy Sprague stated that he believed that was the best thing to do. He added that he was actually one of the deputies that applied when it posted the first time. He still wanted the position but since he was leaving on military leave in a few months, he wanted to make sure there was time for the process to happen before he left for overseas.

Commissioner Richard Parent commented that the position should be posted now.

The members of the Commission seemed to be in complete agreement.

Commissioner Roger Moody suggested that before a decision is made about the patrol administrator position, the County should do some research by contacting other counties to see if their lieutenant or captain is a union position or not and what some of their hiring policies are.

Commissioner Anne Beebe-Center suggested extending the acting capacity of the patrol administrator for another two weeks until the January Regular Commission Meeting so that some research could be done.

County Administrator Andrew Hart asked what information the Commission wanted him to collect before the next meeting.

Commissioner Anne Beebe-Center stated that the Commission wanted to know if the lieutenant’s position is a union or a non-union position in other counties, and how the other counties handle it if or when a union employee temporarily covers a non-union position’s duties.

County Administrator Andrew Hart recommended that in the meantime, the County should advertize for the lieutenant’s position.

Commissioner Richard Parent stated that county administrator should go ahead and do that.

Sheriff Dennison stated that that was exactly what needed to be done.

County Administrator Andrew Hart commented that he thought the sheriff did not want him to advertize.

Sheriff Dennison responded that she did want him to.

County Administrator Andrew Hart stated that he was a little bit confused because it had been brought up that if one of the employees leaving on military leave wanted to apply for the patrol administrator position, the County would have to hold off until the employee returned. He stated that he did not understand how that could possibly work because then the County would have to hold off the hiring process for any open positions on the off chance that an absent employee wanted to apply for it. He stated that it is not the same as a promotion since it is a non-union position. He added that he would like to double-check with legal council.

Deputy Sprague commented that that would be a good idea.

Sheriff Dennison stated that if the patrol administrator’s job was advertized now, Deputy Sprague could apply for it before he left on military leave.

Deputy Sprague replied that he was not interested in applying for the lieutenant’s position. He was only interested in the sergeant’s position.

Deputy Tibbetts commented that it was Sergeant Burns who was eligible to apply for the lieutenant's position but had already left on military leave. He added that prior to the hiring of the previous two patrol administrators, that position had been a stepping stone within the department and was handled as a promotion.

County Administrator Andrew Hart asked how it was done when the lieutenant prior to Lieutenant Kieras was hired.

Deputy Tibbetts stated that it had been a promotion.

A list of several prior lieutenants' names were listed by various Sheriff's Office employees, and all lieutenants were stated to have been promotions and posted/hired in-house, rather than advertizing.

County Administrator Andrew Hart stated that part of the problem is that each administrator handled hiring differently, and if procedures are not written down, later on down the road a new sheriff or county administrator would not know how it had been done in the past. It needs to be in writing so that there is consistency.

Commissioner Anne Beebe-Center stated that there are definitely some unanswered questions, but that in the meantime, Tim Carroll should remain as the Acting Patrol Administrator while the County figures out what should be done.

Commissioner Richard Parent asked if the position would be advertized in the meantime.

Commissioner Anne Beebe-Center responded that it needs to be determined first if the position should be advertized or just posted in-house.

Administrative Assistant Candice Richards stated that the lieutenant's position could still be advertized while research is done. That way, the County could be collecting resumes while figuring things out. Just because a position is advertized does not mean the County is required to select a person to hire from that pool of applicants.

Finance Director Kathy Robinson commented that she was not sure that would give the impression to the outside that the Sheriff's Office does not know what direction they want to take if they advertize for a position and then decide to only post in-house later on.

Administrative Assistant Candice Richards responded that even if it were only posted in-house, any employee would have to submit their application as part of the process anyway, so all they are really doing is throwing their application into the pool of applicants if it is advertized. She added that in the past, she had even given employees a week prior to even advertizing to give them plenty of time to get their paperwork in. It is a lot like the bid process; the County does not have to accept any of the bids offered if none of them fit the needs of the County.

Commissioner Anne Beebe-Center asked if there was enough time to get all the information needed to make a decision by the Regular Commission Meeting in January.

Sheriff Dennison told the county administrator that she wanted him to advertize the lieutenant's position before he went on vacation so that applications could start coming in. She stated that this was the understanding when Deputy Tim Carroll was put in as Acting Lieutenant; she stated that he knew that the position would be advertized.

Deputy Sprague explained that the Commission wanted to find out first if the position should be advertized or not.

Sheriff Dennison responded that the Commission already had the answer to that.

Commissioner Anne Beebe-Center stated that for now the County would just advertize for the deputy positions and post for the sergeant's position in-house. That would allow time to collect information before the January 12<sup>th</sup> meeting. She asked if that worked for everyone.

Sheriff Dennison stated that she thought the County should advertize for the lieutenant at the same time as the other positions

County Administrator Andrew Hart asked the Commission what was wrong with advertizing the lieutenant's position when that was how the last two were hired. The process could be changed later.

Acting Lieutenant Tim Carroll replied that the point is to try to set a precedent to avoid confusion further on down the road.

County Administrator Andrew Hart stated that he does not have a problem with advertizing but would just like some direction from the Commission.

Commissioner Richard Parent stated that the county administrator should do it.

Commissioner Roger Moody commented that the sheriff wanted it advertized and that he did not have a problem with it being done.

Commissioner Anne Beebe-Center stated that she agreed.

Commissioner Anne Beebe-Center asked if there was any other business. No one spoke up.

Commissioner Anne Beebe-Center asked for a motion to adjourn the meeting.

- A motion was made by Commissioner Richard Parent to adjourn the meeting. The motion was seconded by Commissioner Roger Moody.

Before a vote could be taken, Chief Deputy McIntosh stated that he had one issue, a personnel issue, that he wanted to know if it could be discussed.

*No vote was ever taken on the motion and second.*

Commissioner Anne Beebe-Center asked if that had to be done in an open meeting or if it was something that should happen in executive session.

Chief Deputy McIntosh stated that he felt it should be done in executive session because of the confidential nature of the employee's issue. He added that it was a private matter.

Administrative Assistant Candice Richards asked if the employee in question was invited to attend. (*\*Note: An employee cannot be discussed by name in an executive session without being present at, or at the very least given the opportunity to attend, said meeting.*)

Chief Deputy McIntosh indicated that the employee was already present. (Deputy Sprague) He stated that it would be brief but that he needed to talk to the Commission.

Commissioner Anne Beebe-Center stated that the public needed to be made aware in advance that an executive session was going to take place.

Deputy Sprague asked if Commissioner Beebe-Center meant that members of the media had to be present.

Commissioner Anne Beebe-Center responded that that was not what she had meant. She stated that there has to be some sort of transparency for elected officials when they go into executive sessions so that the public does not misunderstand and think that the officials are making decisions in secret.

Commissioner Roger Moody commented that the Right to Know laws are part of it.

Chief Deputy McIntosh insisted that the matter he wanted to discuss was far outside anything the press would be interested in.

Commissioner Anne Beebe-Center replied that the press would not know that. Not posting an executive session on an agenda in advance gets elected officials into trouble.

Commissioner Roger Moody added that only certain issues can be handled in an executive session, such as a disciplinary matter, breach of law, etc.

Deputy Sprague stated that the issue to be discussed cannot be out in the public.

Chief Deputy McIntosh stated that it was a security/safety issue.

Commissioner Roger Moody asked if it was really a security/safety issue.

Chief Deputy McIntosh replied that it was.

Commissioner Richard Parent asked if it was an emergency. He asked if it could wait until the next meeting so that it could be placed on the agenda in advance.

Chief Deputy McIntosh stated that it is time sensitive.

County Administrator Andrew Hart stated that to go into executive session, he would have to know what the issue was because you cannot go into executive session for anything you want to. He added that the matter has to fall under the guidelines set in Maine Statutes for what subjects an executive session can be held for. If the requirements are not met, the Commission could get sued. You cannot decide in the middle of a meeting to go into executive session.

Commissioner Roger Moody commented that he would be more comfortable waiting a day or so and meet again so that an agenda could be published.

Commissioner Richard Parent indicated that he did not see a problem with doing the executive session now.

Commissioner Anne Beebe-Center stated that the Commission has always posted executive sessions in advance of the meeting.

Deputy Sprague stated that the purpose of the meeting would be to just give the Commission some information to digest and then a decision could be made later on.

County Administrator Andrew Hart stated that he was not sure the Commission could legally do that. He stated that he could try to contact legal counsel but that there was no guarantee that he would be able to get an answer right then.

Deputy Sprague stated the County waiting to find out if things were legal is why the patrol department is in the mess that it is. He stated that he was pretty frustrated with how the County had handled his request.

Commissioner Anne Beebe-Center stated that she did not know to what he was referring.

Deputy Sprague stated that he knew that. He stated that it was time sensitive for him, and for his family. The county administrator is going on vacation, so that means a decision would not be made until at least mid to late January, but the issue is coming up in February.

Commissioner Roger Moody reminded Deputy Sprague that he had just offered to meet with him and the chief deputy so that an agenda could be posted. He added that as he was unaware of the nature of the issue, he was not sure if the county administrator necessarily needed to be in attendance.

Deputy Sprague stated that the Commission is the intended audience.

Chief Deputy McIntosh stated that they were trying to follow the chain of command.

Commissioner Anne Beebe-Center commented that one of the reasons the County has an administrator is because not one of the commissioners, or even collectively as a Commission, knows all the laws relating to labor or any other matters directed by law. She stated that she would want the county administrator present at the meeting. She asked the county administrator when he would be back from his meeting the next day.

County Administrator Andrew Hart stated that he was not given an exact time frame for his meeting so he was not sure when he would be back.

Deputy Sprague stated that he would rather do it following today's meeting after a short break.

Commissioner Anne Beebe-Center responded that she did not think that the Commission could do that. She suggested putting out an agenda by 4 p.m. so that there would be 24 hours notice.

Commissioner Roger Moody commented that this was assuming that the matter to be discussed is eligible to be discussed in executive session.

Chief Deputy McIntosh commented that there were no members of the media present at the current meeting. He suggested having the discussion in open session instead.

Commissioner Roger Moody reminded the chief deputy that having the discussion in open session means that it would be in the minutes.

Chief Deputy McIntosh stated that this was how important it is to Deputy Sprague to discuss the issue.

Deputy Sprague stated that he was fine with doing it in open session.

Administrative Assistant Candice Richards commented that even if it is done in open session, the Commission will need to vote to amend the current agenda since the matter is not already on the published agenda.

- A motion was made by Commissioner Richard Parent to amend the agenda to discuss a personnel matter. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

*At this point, everyone left the Commission Hearing room except for County Administrator Andrew Hart, the Commission, Chief Deputy Ernest McIntosh, Deputy Michael Sprague, and Administrative Assistant Candice Richards.*

Chief Deputy Ernie McIntosh began by explaining that Deputy Sprague had requested to take some time off before going to Afghanistan. Deputy Sprague had already used up the majority of his accumulated vacation and compensation time because of having to go to training. He stated that Deputy Sprague had asked him if he could use his sick time. The County's Personnel Policy does not allow or address appropriately using sick time for non-sick related time off.

*For clarification, I have included the text from Article 8, Section 8.3.2 of the County's Personnel Policy that deals with this issue.*

**8.3.2** Sick leave may be used when **personal illness or physical incapacity** renders an employee unable to perform the duties of his/her position, or, may be used for **doctor's office visits**. Employees may use accumulated sick leave to **take family members to doctor's office visits, or to the hospital**. Employees may also use accumulated sick leave to attend immediate family members for no more than five (5) consecutive days. Permission to attend family members beyond five (5) consecutive days shall be granted only by approval of the County Administrator or designee.

Sick leave may also be used for other family medical conditions not governed by FMLA laws by approval of the County Administrator or designee.

Department heads may require an employee to use their accumulated leave if sick leave has been exhausted.

*Also for clarification, I have included the text from Article 13, Sections 1 and 2 of the Union Contract that deals with this issue, drawing your attention to specific wording by changing text to bold.*

### **ARTICLE 13 - SICK LEAVE**

#### **Section 1- Sick Leave Earned**

Sick leave will be earned by all full-time employees at the rate of eight (8) hours per month from their date of hire. No sick leave will be granted until an employee has completed that employee's probationary period. Sick leave will accrue on the last day of the calendar month worked.

A maximum of nine hundred sixty (960) hours of sick leave can be accrued and carried forward from one calendar year to the next.

**Sick leave may be used only when personal illness or physical incapacity renders an employee unable to perform the duties of that employee's position, or, may be used for doctor's office visits** with the express permission of Director, Sheriff, or Director or Sheriff's designee, in cooperation with the County Administrator. With the express permission of Director, Sheriff or Director or Sheriff's designee in cooperation with the County Administrator **sick leave may also be used for other family medical leaves**. Such permission should be at sole discretion of the Sheriff, Director, or their designee.

#### **Section 2 – Sick Leave Usage**

An employee who contemplates using sick leave shall notify the Sheriff, Director or their designee at least two (2) hours before the day shift and three (3) hours before the second and third shifts, as to the employee's expected absence. If the employee does not give the required notice, then the employee will not be paid for the time missed. However, if grave circumstances render it impossible for the employee to give the advance notice as required herein, the County Administrator may, in the Administrator's discretion, allow the employee to be paid using the employee's sick time.

**Reasonable documentation, satisfactory to the County, may be required in order to verify sick leave usage.** Such documentation may be requested by the Sheriff, Director, County Administrator,

or their designee. If such documentation is not provided, missed time will not be charged to sick time available to the employee.

Chief Deputy Ernie McIntosh stated that he forwarded Deputy Sprague's request to the county administrator. In his response, County Administrator Andrew Hart stated that he could not approve the request, quoting the County policy wording that prohibits it. Chief Deputy McIntosh stated that he understands that the county administrator cannot bend the rules. He stated that he forwarded the county administrator's response to Deputy Sprague. He stated that he wanted to exhaust all options before giving Deputy Sprague a definite "no" to his request.

Chief Deputy McIntosh stated that Deputy Sprague's family has already endured one death in the family, Deputy Sprague's brother, due to the conflict in the Middle East. Chief Deputy McIntosh stated that he wondered if there was a way to "go out of the box" this one time and let Deputy Sprague use his sick-time so that he may spend more time with his family before he leaves. He added that coming to the Commission was not to go against the county administrator but to exhaust all options. The county administrator is doing what is right for the County. This is an extraordinary situation because it is not every day that a County employee is sent overseas.

Deputy Michael Sprague quoted from his email to Chief Deputy McIntosh, dated December 16, 2009:

"Chief Deputy McIntosh, as you are aware, I am scheduled for deployment on March 16, 2010. This is the day that I will be leaving for active duty for Afghanistan for a period of up to one year. I will be away from my wife and four children for one year and sent to a hazardous area. I will be missing all of my older sons and daughter's senior year, sports events, as well as other milestone moments in their final year of high school. As you are aware, there will be many days and nights that my family will miss their father and husband dearly, and I will miss them as much. This will be a very difficult time for my family, particularly my children; Michael, who is nine, Michaela, who is eleven, Natasha who is aged sixteen, and Corey, who is seventeen. Having said this, and taking into consideration the value that I have for what little quality time I have left with my family before I leave, I have been planning to take a leave of absence, beginning on February 14, 2010. This will allow me to have one full month with my wife and children, spending as much quality time with them, and completing necessary tasks around the house and other personal matters. Continuing to report to duty with this office, as well as required military training that I must complete between now and March 14<sup>th</sup>, will chip away at what little precious time that I have remaining. As you are also aware, I have been mandated to report to extended military training over the last few months. I have been accumulating as much compensatory time as possible, and have been using it during my training days, in order to sustain a steady financial income for my household. As a result, I have depleted all of my vacation and comp time, and am saving up for my January training period, scheduled to be twelve days. It is unclear whether or not I will have enough vacation time or comp time to use during the upcoming training period, but I am sure that I will not have enough time to use for my requested leave of absence time in February. As it is, I will have enough sick time to cover most of the hours required to take four weeks off before being deployed for combat; however, I am not sure if this time can be used in lieu of vacation or comp time. Therefore, I am requesting the support and authorization from my administration, and the head level of the County of Knox, to use accumulated sick time that I have, during the months of February and March, so that I may be with my family. It is my intention to return home safely; however, I cannot predict the future. In the event that something tragic happens during my combat mission, I would like to make every moment count with my family, which is why I'm seeking to spend my final month, my last four weeks at home, with my wife and children. It is important to me to ensure that everything is ready at home and that my family has had the full opportunity to spend time with me before I leave. I must have a clear focus on my upcoming mission. I do not believe that I would be of much benefit to the Sheriff's Office without securing adequate time at home before leaving for combat. As a loyal employee, soldier, and a family man, I am requesting assistance in this matter. I am seeking authorization to take the leave of absence from February 14<sup>th</sup> until my mobilization date of March 14<sup>th</sup>, in order to be home with my loved ones and be able to sustain a regular income from the County of Knox. The full amount of time for which I am requesting a leave of absence is 160 hours. If possible, I am willing to use what remaining sick, vacation, and comp time that I have on the books in order to achieve this. Please take my request into serious consideration. I am eagerly sacrificing myself and my family life to the country for which I swore to defend and am asking for assistance in this matter."

Deputy Sprague stated that the chief deputy had forwarded his email on to the county administrator. The county administrator responded to the email by quoting from the Union Contract, and saying that he could not authorize the use of sick time, but could authorize the leave of absence. Deputy

Sprague stated that he had told his wife what his intentions were and had let her read the email from the county administrator. Between the time that he had submitted his email to the chief deputy and got his response from the county administrator, we were notified that the 133<sup>rd</sup> Engineer Company was no longer going to Iraq, which raised people's hopes that it would be the same in his case. It is not, and after that, he received the denial from the county administrator. He stated that he responded to the county administrator's email and to the chief deputy. He read quoted from that email:

"I have read Mr. Hart's response and I understand his position of what the Union Contract states. I am quite bothered, however, given these unique circumstances, that he is not offering to find a way to make this work. I am sure the Union would be willing to make a side-bar agreement specifying that this will not establish a precedent and this is a one time event. I believe that this is possible. I do not have any vacation time or comp time to use because I have been using every minute available for mandatory military training in preparation for combat. I find it hard to believe that the county administrator is so quick to deny a request like this. Doesn't he realize what I am about to face? Doesn't he realize what my family is about to face? Does he really want me to work until the final hour that I am supposed to leave my family, and whom I may never see again. This is a small request that has a major impact on my personal life. It would be, at the least, a patriotic display of support for those soldiers whom the County employs. To be able to spend their potentially last few days with their family, and have the security of an income, from the time in which that employee has earned. I am very disappointed that Mr. Hart's quickness to deny such a request without consulting or entertaining the opportunity to work something out with the Union or speaking to the County commissioners. I have worked hard as an employee for the Sheriff's Office, and make every attempt to enforce the State of Maine's laws concerning the safety of the citizens of Knox County. I would be surprised if the citizens of Knox County would feel the same as Mr. Hart. Since Mr. Hart is denying my request, I am asking that this matter be taken directly to the County Commission for their review. I believe that an agreement can be made with the County of Knox and the Union. This request is not original and should be reviewed by all levels of the County, if that is what is required before this is put to rest."

Deputy Sprague stated that he really needed that time to spend with his wife and kids. He stated that if he took a leave of absence, his family would have no income during that time period. He stated that he has earned sick time and it would get his family through the leave of absence. He stated that the Commission could let him use the sick time so that he could spend time with his family, and that if he did not return home, half of the sick time would go to his wife anyway.

Administrative Assistant Candice Richards asked if she could make a suggestion. She commented that there may be some middle ground that will allow him to have the time off without using his sick time. The Commission recently made a change to the personnel policy that allowed employees to donate vacation time, as well as sick time, to those who were in need of sick time. Technically, there is nothing in the Personnel Policy, about whether or not vacation time could be donated for any other purpose. She suggested changing the Personnel Policy to allow employees to donate vacation time if it is for a situation such as this. She stated that she was sure that the other deputies would be willing to donate vacation time to him, especially considering there may be some that do not even get a chance to use their vacation time. There are other employees working in the courthouse who may be willing to support him.

Commissioner Richard Parent commented that that was probably true, but he asked if anyone had checked with the Union to find out if a sidebar could be established. He added that he had not heard of this kind of thing being done, but that he was not saying it could not happen.

Administrative Assistant Candice Richards stated that at least this way, no one would be breaking any rules. The Union Contract is very specific that an employee cannot use sick time for anything other than being sick.

Deputy Sprague commented that he had spoken to John Gamage at the Sheriff's Office the night prior to this meeting, about this situation. John sent an email to the county administrator and forwarded it to Deputy Sprague. John Gamage is the chairperson for the Union. Deputy Sprague quoted from John Gamage's email to the county administrator:

"Andy, I have been in touch with Sergeant Michael Sprague of the Knox County Sheriff's Office. He indicated his desire to be enabled to utilize his accumulated sick time in a manner not consistent with allowable use of sick time. I must admit he had presented a scenario that I had not previously considered. Likewise, I am completely inclined to endorse and support his actions. His intentions are admirable, and I feel, easily obtained. I have read your response to Sergeant Sprague's request and agree with your findings under current Contract language. You are absolutely correct in your assertion that you must

follow the contract, and cannot make any one-time exceptions. Even though this scenario plainly passes the straight-faced test, it is important that the contract always be followed. This avoids many controversial problems or challenges down the road. Therefore, it seems to me, that a reasonable approach here is to revisit the contract under a reopener request and investigate, concerning such or similar language, into the contract for fiscal year 2010. Given this, the Union desires to meet with the County for the purpose of a reopener to discuss this limited scope issue as soon as possible. The Union proposes inserting language that allows management, under their sole discretion, to award any amount of accumulated sick time to an employee who reasonably demonstrates a need for such an award. Such reasonable requests might include extended military demands, educational hiatus, requests and the like. Management should be under no obligation to award the request. Furthermore, awards are not precedents but are weighed in their entire merit. The County will merely be required to entertain all requests. Due to the varying issue that may arise, the Union feels that it is not necessary to restrict the time when the request may be submitted. If the County feels that a reopener is not appropriate, or would rather simply consider a sidebar agreement, the Union is not opposed to discussing such an approach. Thank you for your attention on this important and time-sensitive matter.”

Commissioner Richard Parent asked if the county administrator had received a copy of that letter.

County Administrator Andrew Hart stated that he received it at about 10 a.m. that very morning. He stated that he responded to John and offered to schedule a time to meet with the Union but that would be difficult within the next few weeks.

Deputy Sprague stated that if it was not until the end of January, he was worried about the time frame.

County Administrator Andrew Hart commented that one of the reasons he had responded quickly was because the language in the Union Contract is very straight forward. It was not sent quickly because he did not take the time to consider the request. He stated that he had taken time to research and consider the request, including running it by legal counsel to see if it would be a breach of the Agreement, before sending his response. He stated that he also had a request from another employee about unused vacation time, which also had to be denied. In both scenarios, he felt that he had to follow the rules laid out in the Union Contract and Personnel Policy. He added that it does not mean that he agrees with the rules, but that it his job to uphold them. He stated that he would rather just say “yes” to the request, but then how many other problems will he be creating by doing so? If he approved it this time, but turned the request down for the next person, that employee would think that it was unfair and wonder why it was honored the first time when the Union Contract and Personnel Policy do not even allow it.

Commissioner Anne Beebe-Center commented that what the county administrator had just spoken was well said. She added that the point made by Administrative Assistant Candice Richards was well taken, that the Commission had made an allowance in the Personnel Policy recently that accommodated an extraordinary need for leave. She stated that she was sure that employees at the Sheriff’s Office and in the courthouse would be willing to help.

County Administrator Andrew Hart stated that even though he had not mentioned it in his response, he had considered that idea.

Administrative Assistant Candice Richards commented that it would be a faster fix for Deputy Sprague’s situation. The Union could look at making changes for the long term, while fixing the current problem without dealing with a time constraint. The Personnel Policy could always be changed at the next meeting.

Commissioner Richard Parent asked Deputy Sprague if he would be opposed to receiving donations of leave time from other employees.

Deputy Sprague stated that he would not be opposed, but that he did not want to be the one to ask for it.

Chief Deputy McIntosh commented that he believed it must have been a hard decision for the county administrator to make, to deny the request, considering he had almost apologized for making the decision.

Commissioner Anne Beebe-Center stated that she would like to go the route of helping Deputy Sprague because he is a member of the community, as well as the County community. She stated that allowing people to donate leave time to him would be a great opportunity for people to support him. She asked Deputy Sprague who he would like to make the request for donations.

Deputy Sprague stated that he had not even thought about it because he did not know it was possible.

Administrative Assistant Candice Richards commented that first, a donation form would have to be created and made available to all the departments. Anyone wanting to donate time would have to fill out the form, get it signed by their department head, and then submit it to the county administrator. It would then be sent to the Finance department on a spreadsheet.

Deputy Sprague stated that probably the county administrator could make the request to the employees in the courthouse, and the sheriff could submit the request to the patrol and jail employees.

Chief Deputy McIntosh commented that from a manager's point of view, he would be concerned with Deputy Sprague's mindset if he was forced to be out on patrol right up until he left for Iraq.

Commissioner Richard Parent stated that he preferred to go the route already decided but that if all else fails, maybe an agreement can be made with the Union so that Deputy Sprague can have the time off.

Commissioner Roger Moody stated that he felt the same way. He added that the only thing he regrets is what Deputy Sprague said about the county administrator's attitude. He stated that he hoped that if Deputy Sprague thinks more about it, he will realize that the county administrator was just trying to do his job and be fair. It was nothing personal.

Deputy Sprague stated that the reason he had made that statement was because that was where things had ended. There was no additional input from the administrator. He stated that he did not understand why the administrator couldn't have said something like he understood the problem, and could not approve it, but offer some possible solutions to the problem. Instead, the response was "can't do it, sorry." He felt that the administrator never went any further than a simple denial. He stated that as a supervisor, if he has to give someone an answer of "no", he is the first one to come up with some possible solutions. That is part of the job. This is why he was disappointed in the response he got from the county administrator. He felt it was lacking human feeling and no personal feeling. It was just business.

Commissioner Anne Beebe-Center stated that the County would proceed with collecting donations and take Commissioner Moody's suggestion of also talking to the Union to see what could be done in the future.

Deputy Sprague stated that he appreciated the help and his family would too.

Chief Deputy McIntosh thanked the Commission for staying to listen to their request.

Commissioner Roger Moody commented that this issue did not meet the requirements for an executive session.

Commissioner Anne Beebe-Center stated that she agreed that it did not qualify for an executive session. She added that the Commission is feeling their way to make sure that they do not have inappropriate executive sessions.

Deputy Sprague stated that he was not really sure what an executive session really meant.

Commissioner Anne Beebe-Center stated that an executive session means that you are taking the public business and making decisions behind closed doors. The Commission is elected to conduct public business, so issues taken into executive session can be misconstrued as conducting business behind closed doors instead of in front of the public eye.

#### **IV. Adjourn**

- A motion was made by Commissioner Roger Moody to adjourn the meeting. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

The meeting adjourned at 3:50 p.m.

Respectfully submitted,

\_\_\_\_\_  
Candice Richards

**The Knox County Commission approved these minutes at their regular meeting held on April 13, 2010.**

\_\_\_\_\_  
Anne H. Beebe-Center, Chair – Commissioner District #1

\_\_\_\_\_  
Richard L. Parent, Jr. – Commissioner District #2

\_\_\_\_\_  
Roger A. Moody – Commissioner District #3