



Where Hilltops Kiss The Sky
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J.J. Reels
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THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF MONTEREY, PUTNAM COUNTY, TENNESSEE, MET IN A SPECIAL CALLED MEETING AT THE MONTEREY MUNICIPAL BUILDING ON MONDAY, MAY 17, 2021 AT 7:00 P.M.

The meeting was called to order by Mayor JJ Reels

Upon roll call the following aldermen were present

Amy Martin	Alex Garcia	Jim Whitaker	Mark Farley
James Foster	Nathan Walker	Charles Looper	Bill Wiggins

There being a quorum present, and so declared, the following business was transacted:

The call of the meeting was read, together with the proof of service of the same, which call and proof of service is as follows:

TO:	Amy Martin	Alex Garcia	Jim Whitaker	Mark Farley
	James Foster	Nathan Walker	Charles Looper	Bill Wiggins

FROM: Vice-Mayor Mark Farley, Alderman Nathan Walker, Alderman Charles Looper, Alderman Jim Whitaker, Alderman Bill Wiggins and Alderman James Foster

You and each of you are hereby notified that I have called a special meeting of the Board of Mayor and Aldermen of the Town of Monterey, Tennessee, to be held on Monday, May 17, 2021 at 7:00 p.m. in a special called meeting for the purpose of:

1. Review of the power and authority of the Board of Alderman and Mayor and the Civil Service Board

Board Members

JJ Reels introduced city attorney Will Mullins to address this item. Mr. Mullins introduced himself and gave some background information on himself. He stated that Mayor Reels asked him to come before you all tonight to explain some of these issues of some of these hiring's, one being me and two the city codes inspector. He stated as far as me being hired, that is an easy one to nip in the bud as far as Mayor Reels authority in hiring an attorney. If you look at title 1 of the municipal ordinance for the City of Monterey, we go down to Mayor, that's in chapter 2, we look at 1-203 and that states the legal counsel for the town of Monterey. It states that the mayor shall have power and authority whenever the public welfare of the town requires it, to employ counsel to represent the town in any controversy or litigation in which the town may be involved, and to institute litigation or give proper legal advice to the officials and officers of the town. Here is your roll as the board in your area of responsibility as it comes to legal counsel and it says but the counsel so employed shall only receive such compensation as shall be fixed and appropriated by the board of mayor and aldermen. Now I come to you guys and understanding what the previous counsel was charging by the hour and it was \$150.00 per hour. I do not think you will get anyone else cheaper than that and if you do, what are you getting? Next, we go to the more difficult question to answer and that is the city codes person that was just recently appointed by Mayor Reels. According to Mayor Reels and what I have been told that there was an ad ran in the newspaper and anyone that was interested in the position was asked to come forward and put in an application and according to Mayor Reels there was only one individual that submitted his application. Now I would point out that pursuant to title 12, there is probably a couple of places we could look to these codes official and where Mayor Reels gets the authority of appointment at. My position, the first position I am going to look at would be title 12 of your municipal code chapter 8. Now when we define what a code official is 12-801-4 and it states that a codes official shall mean any building inspector, code officer, code official, building official, enforcement officer, or any officer designated by the city administrator to enforce the municipal codes and standards. Now it is my understanding that Mayor Reels is acting as the city administrator as well. My position would be that as the city administrator that he would have the ability to designate someone in that capacity. Now, if the board is willing to say well that is a paid position, before he designated somebody, he's got to get approval from the board, well, we come to you, I would turn your attention to title 4. Now if we are going to look at the definitions which is in 4-202-10 an employee, necessarily as the board may see it, is any individual who is legally employed by the town and is compensated through the town payroll. Now I guess we could split hairs and say he's not being compensated on a weekly basis by the town's payroll, I guess he is a 1099 employee, but if we are going to take that position and we are going to say he is an employee then we go down to appointments under 4-207 and we look at appointments. It says all vacancies in the classified service shall be filled through promotional appointment, original appointment, transfer, or demotion. All appointments shall be initiated by the mayor and confirmed by the board of mayor and aldermen. So, I would come to you tonight stating that we are going to follow the municipal code that really the only job the board would have tonight would be to confirm the appointment of this municipal code's employee. Now I know you are going to say well what really say do we have? Unfortunately, based upon the code, I don't think there is a whole lot of say. I think if you find that the individual is qualified, if he meets the qualifications, then

I think the boards only alternative at that point in time would be to approve this individual as the city codes enforcer. Now, I am going to put out, just this food for thought, I don't think as we set here, Mayor Reels has made much of a decision as it comes down to this employee. I think it was put in the paper; the only person that applied was picked. There was nothing that Mayor Reels did that asserted any type of authority onto this person. If that is the issue, I don't know if I understand the issue, but I was given the letter and it doesn't really state exactly what the issue is but if that is the issue, I don't really think the board as we set here today has much of a choice. I would point out of this, if you didn't approve him tonight, and this is hypothetical, and it is Mayor Reel's decision to pick and if he got another pick and he brought him back to you again and you would be opposed to the same position. Now you guys as a board could play this stalemate until kingdom come, but as we set here, who is that affecting? That is affecting the citizens of Monterey that the codes are not being enforced and it could have detrimental effect on some citizen getting hurt because the codes aren't being enforced in a proper way. Alderman Wiggins stated it says "Review of the power and authority of the board of alderman and mayor and civil service board". He stated that there will be no voting tonight. It is a restricted agenda. It is basically an informational meeting. Mr. Mullins asked if there were any issues that pertains to the municipal code tonight and how it would pertain to the decision that had to be made? Nathan Walker stated that hasn't come up yet. We don't know what is going to be discussed because we haven't discussed it yet. Nathan Walker stated that this is a contract position. Are you aware of that? Mr. Mullins stated I think the appointment of the person and the selection of the person.... Nathan Walker stated that he can appoint them, but it has to be approved by the board? Mr. Mullins stated that is correct. Nathan Walker stated that we have not heard anything about this person. Mr. Mullins stated that he didn't know if this has been put on the regular session meeting or not. Nathan Walker asked Mr. Mullins, is there a problem with having a special called meeting to review this though? Mr. Mullins stated no, he didn't think there was a problem. Alderman Bill Wiggins stated that you are arguing a problem that hasn't been presented. Mayor Reels stated that he is just stating the facts of how it is supposed to work. Mr. Mullins stated that I will sit down and if you have any questions that would pertain to the municipal code, I will be able to answer them. I have no business in the voting, the agenda or anything like that. As far as the municipal code goes, I think we need to follow it to a T as it goes. Now I stated what I said and I think that is the way it goes and I think that is the way your code reads and I think that is what you have to do. Now if it hasn't been brought forth on the agenda yet, I would say that this situation is not a mature situation to even be bringing forward. I don't think that the board really has any opinion as it comes to this point in time. That is my opinion based on the municipal code. Nathan Walker stated that he thinks that is a horrible opinion. Mr. Mullins stated you may but that is an opinion based on the municipal code. Bill Wiggins asked Mr. Mullins if he had an opportunity to read the private act creating the civil service system in Monterey over 14 years ago. You keep talking about an employee, that act is very specific about employees. Mr. Mullins asked who does it say that an employee is? Alderman Wiggins stated that he is going to let you read it and you tell us. Amy Martin asked if you can expand on one thing, it is c section three and it states that the "Mayor may fill all vacancies occurring in offices except that of alderman until the same shall be filled in the manner provided by this act". It is a little confusing.

Mr. Mullins stated that he doesn't know when the last time the code was looked at. Bill Wiggins stated that he thinks the civil service act pre-empts everything. Mr. Mullins asked if it states that? Bill Wiggins stated that I will let you read it and give your legal opinion.

Item #1. Mayor Reels turned the meeting over to the members that called the meeting. Bill Wiggins stated that over 14 years ago, the board of mayor and aldermen of the town of Monterey petitioned the State Legislature to introduce a private act creating a civil service mechanism for the town of Monterey. Essentially, they were given the authority hire, fire and handle certain kinds of disciplinary actions. I say they, there is a three-member board. One member was to represent the board of mayor and aldermen, one member was to represent the city employees and third one was to be chosen by those two. That mechanism has been working for over 14 years. It is my thinking and if the mayor is serious and concerning about being on legal footing, then he or she read that particular private act and act accordingly. Now there are some things in there that a lot of elected officials don't like, and we don't even have a role in it. The only role an official has in Monterey is to participate in the voting for the person to represent this body. I guess my question is to you Mayor, would you please detail the specifics in that particular act because I am sure you have read it. Mayor Reels stated that he could go get a copy. Bill Wiggins stated no, but would you do this? This would be simpler. Let's suppose there is an opening and applications are taken, would you please take us through that route that particular applications would take? Mayor Reels stated that applications come in and go to Ella and we wait until all applications are submitted, if it is an employee of the city of Monterey, and there is a difference between an employee and an independent contractor, which is what these two employees fall under. They are not receiving the benefits of the town of Monterey. Bill Wiggins stated I am not talking about these individuals. Mayor Reels stated that if it is an employee of the town of Monterey, the applications go to the civil service board, they review them, they interview the applicants and they select a person. Bill Wiggins asked who does the reference checks? Mayor Reels stated that Ella does that. Bill Wiggins asked who does the screening if you get a pile of applicants? Mayor Reels stated that he screens them. Bill Wiggins asked you do? Bill Wiggins asked that we please take note of that. Bill Wiggins asked if the civil service board was here tonight? Jon Phillips stated that yes, they are here. Jon Phillips stated that he has been two or three hiring since he has come on board and he stated that he was voted in as chairman of the civil service board by the other two members. The way that I have seen it go so far is, we post it in the newspaper, on social media, applications came in to Ella and then as far as I've known, they have come from Ella to us for screening. Then we go over the applications and then we decide who we want to interview then we interview these people and we commence upon ourselves with no outside interjections. Mayor Reels has been at some of those meetings. Bill Wiggins asked he has? Jon Phillips stated that he has but he sets to the side and does not interject into the decision making one bit of what we do. After that we have Ella check references and make sure that everything's good with the person. We have recently started doing background checks. Whoever we select, we make that decision and then they are called and then they are hired on as a city employee. That is the system that I have seen so far. Connie Bishop stated that she would like to interject something. She stated that they do follow the job description to

make sure that employee is qualified to do that particular job. Jon Phillips stated that we generally have two meetings. We will meet and go over the applications that we have and then we usually have whoever is in leadership of that position, so if it is a police officer, we will have Chief Randolph there to help us go through the applications. He stated that was how they do things. If someone else is pre going through the applications then we don't know about that. Bill Wiggins stated that we already have a conflict. The mayor says that he screens and you say you all screen. So, who does it? Mayor Reels stated that I look at the applications but I have no input in it. I just want to know who has applied. If that is considered screening, then I do screen them. Are we here to review the power and authority of the board or are we here to question the mayor? Bill Wiggins stated this is part of it. Mayor Reels stated no its not, we are here to review we are not here to visorate the mayor. I want to know what is this witch hunt is about? He stated that I have told almost all of you, that if you have a problem come to my office and talk to me. If I am doing something wrong, come and talk to me. Amy Martin asked if anyone has a problem with the mayor have you ever considered going into his office and asking him questions or talking to him personally? Or another question that I have, the six of you, how did it come about that we receive letters from six of you? When did you speak? Did you speak together? Did you have a private meeting or did you have a phone chat and why were Alex and I not consulted prior to getting a letter? Mayor Reels stated that he goes to meetings all the time and last week he went to a meeting in Cookeville with several mayors and they brought up how entertaining our meetings are. We are the laughing stock of the entire upper Cumberland because of all this crap that goes on. Let's come in and do city business and move on. If you have a problem, come to my office and talk to me. I've asked you that how many times? Nathan Walker stated that I think that has been tried though, right? Mayor Reels stated yes, one time. Amy Martin how did you all meet? Nathan Walker stated that he got a phone call asking him if he thought we should do a review meeting. He stated that he got his phone call from Bill Wiggins. Charles Looper stated that the police brought his. Jim Whitaker stated that they brought me mine also. Nathan Walker stated that we have been accused of trying to do something and Mayor you are making accusations and I don't think anyone has had a chance to say much of anything other than what we are trying to accomplish on the agenda. Mayor Reels stated that we came in here to review the power and authority of the board and mayor and all of a sudden, every question is directed toward me. That's not reviewing. Nathan Walker stated but you are the administrator so you are the one with the answers, right? Nathan Walker asked who have you hired as codes enforcement officer? That is my question. Mayor Reels stated that he has not hired anyone yet. He has offered him the job. Nathan Walker said OK then, that's all I wanted. Mayor Reels stated that after he is screened, you will be notified accordingly at the next meeting. Have you gone over the terms of his employment? Mayor Reels stated yes. Nathan Walker said so there is a contract? Mayor Reels stated that just like, you know what contract I used? The same one that Mayor Wiggins used. Nathan Walker stated, again, we haven't seen anything so we don't know. Mayor Reels stated that he got the contract that was in John's file and typed it up exactly, the only thing that changed was, we are not paying him \$16,000 a year in salary and he's not getting all these other percentages and he's getting paid \$20.00 per hour exactly same as Chad. Nathan Walker stated so you changed the terms of the contract? Mayor Reels stated that we hired Chad Harris.

Nathan Walker stated so you changed the terms of the contract? Mayor Reels stated that he hasn't changed nothing yet. It has to be approved by you all. Nathan Walker stated he just wanted to make sure. You have entered into an agreement. You have offered him a job. Mayor Reels stated that we haven't agreed to nothing yet. We haven't signed anything. Once you sign it, then it is a contract. Nathan Walker stated didn't you just say that you offered him a job? Mayor Reels stated that yes, he did. Nathan Walker stated that usually when I am offered a job, it states the terms of employment. Mayor Reels stated that I haven't done anything yet. Nathan Walker stated that is why we are having this conversation. Mayor Reels stated that just like Mr. Mullins stated, once we agree, it will come before the board and you all can approve it and then we will move forward. Nathan Walker stated that sounds logical to me. He stated that he did not understand why this is so contentious of an issue for you. Mayor Reels stated that because I am tired of the crap Nathan. Nathan Walker asked do we not deserve to know what is going on? Mayor Reels stated that he will let you know what is going on. Nathan Walker stated so this codes officer, he hasn't started yet? Mayor Reels stated that he has been driving around and talking to people. Nathan Walker stated so he has been presenting himself in that capacity? Mayor Reels stated that I would assume so, yes. Nathan Walker asked so is that not unusual that he's not hired yet but he is going around representing himself as a Monterey employee? Mayor Reels stated I guess so. Nathan Walker asked is that a good thing or a bad thing? I think that is against the law, isn't it? Jim Whitaker asked if he was a certified codes officer? Mayor Reels stated that he has six months to get his certifications just like the last guy. Nathan Walker asked if he was a general contractor or a licensed plumber or electrician? Mayor Reels stated that he is an industrial. Nathan Walker stated that I just think there is a little bit of inconsistency here and I think that is what people are worried about more than anything else. Mayor Reels stated that he will get it straightened out. Nathan Walker stated that he has understood that we have ordered him a cell phone. Is that correct? Mayor Reels stated yes. Nathan Walker stated that has never been part of that position before. Mayor Reels stated that the only thing he will use that for is to take pictures. Bill Wiggins asked if we were clear on the power and authority of the civil service board? Mayor Reels said absolutely. I didn't have a question to start with. Bill Wiggins stated that there should be no elected officials in their deliberations. If they need a resource, they are free to call on the department heads if they need clarification or some explanations but no elected official is to be in the meeting where they make decisions. Nathan Walker made a motion to adjourn.

JJ Reels, Mayor

Attest:


Ella Dishman, CMFO/Office Manager