

**TOWN OF BROOKLET
CALLED MEETING
10/7/2008**

1. CALL MEETING TO ORDER: MAYOR GROOMS

2. INVOCATION: Councilman William Hendrix

3. MAYOR TO ASK FOR A MOTION TO CLOSE THE REGULAR OF THE MEETING IN ORDER TO GO INTO EXECUTIVE SESSION.

Mayor Grooms asked for a motion to close the regular session of a meeting in order to go into executive session.

Councilman Newman made a motion to go into executive session for a discussion on personnel matters. Motion was seconded by Councilman Hendrix and passed with all ayes.

4. MOTION TO LEAVE EXECUTIVE SESSION AND RETURN TO REGULAR SESSION.

Councilman Hendrix made the motion to return to regular session, motion was seconded by Councilwoman Prosser and passed with all ayes.

MAYOR GROOMS CALLED OPEN MEETING TO ORDER.

Attorney Hugh Hunter stated that we've been discussing procedural matters; most of the people that are here are under the impression that the City Council has the right to make the decision as to whether or not to discipline a Police Officer, that is not the case. There were certain personnel policies that were adopted by a previous Council back in the late 80's and under that personnel policy the Police Officers immediate supervisor or the Department Head which is the Chief of Police, is suppose to investigate this matter and then determine what disciplinary action if any, should be taken.

Chief Buchan has done the investigation and completed a large part of it but has not totally completed the investigation. Once he completes the investigation it is up to him to make a decision as to what actions should be taken, if he determines that termination is appropriate which it may or may not be, then the matter comes before the City Council. The Chief is supposed to make written recommendations to the Council as to why a lesser form of disciplinary action can not be taken to include something like a suspension for a certain period of time without pay. Once he makes the written recommendations to Council, if his decision or recommendation is to terminate him at that point, then the Council will make a decision as to rather or not termination is appropriate and then at that point the Council will hear evidence on the matter. The Council cannot, in executive session hear any evidence of the charges in this matter, that is inappropriate for executive session, but if the Chief comes with a recommendation of termination, which he may or may not, then at that point Council will hear evidence and that would be open to the public. Right now the information that the Police Chief has is under an investigation and is not public records and will not be until the investigation is completed, then at that point some or all of it may possibly be open to the public with an open records request. Therefore, as of now, the Chief is completing his investigation. The information that he has, is not public information at this point and if he comes back before this Council and wants to recommend termination then all of the information will be made in an open session with the public, some parts of the records or all will have to be public information once the investigation is completed.

limited to the subject that is being debated. Members of the public may speak for five minutes and may only speak once. Anyone wishing to speak at any meeting must be recognized by the Mayor before addressing the board.

Attorney Hugh Hunter stated to that any information or questions from the public that the Mayor allows really should be directed to the Police Chief. The Council cannot make the decision on it.

Sheryl Lewis asked, "How long will this investigation last until something is done about it?" Chief Buchan answered, "I'm working on it as hard as I can go."

Dwayne Lewis was here as a character reference for the student.

Kathleen Mincey asked, "Why does the male Police Officer have the right to be the only one to make the decision on whether all this stuff was taking place or not and why did the Police Chief have all authority to keep the Police Officer on the City of Brooklets payroll when we have a ton of young girls that might be facing the similar things?"

Attorney Hugh Hunter answered, "Under the current rules that passed during the late 80's, the Council by law, has to follow those rules and the way they are presently written, it is left up to the Department Head over the employees."

Mrs. Mincey then asked, "Does most of the other small cities have that type of ruling that the Police Chief has the say so over everything?"

Attorney Hugh Hunter stated, "In many cities the Council is not involved at all in personnel matters, especially cities that have a City Manager. What happens is it generally does follow a chain of commands; you will have a supervisor and a Department Head making the recommendation to the City Manager about what to do, the City Manager will investigate it and then determine whether or not to terminate someone under disciplinary action, the employee also has the right to appeal that decision."

Page 3

Mrs. Mincey feels that the Town of Brooklet needs to update the policy from the 1980's. She also wanted to know if the Council has

read the affidavits. Attorney Hugh Hunter stated that under the open meetings act, it is improper for the Council to gather together as a body or in a situation where there is a quorum to hear or accept any evidence from this matter. The affidavits should have all the evidence that has been presented. The personnel policies can be changed. Mrs. Mincey believes that there needs to be somebody other than just one man making decisions on what is going on in our town and who is on our Police Force.

Hollie Deal Bragg asked, “ If the investigation is still under way and all of you should have known that, then what’s the purpose of tonight’s meeting?”

Attorney Hugh Hunter doesn’t think anyone was aware of the procedures involved until the executive session.

Council did not completely understand that the investigation was still undergoing at the time of the called meeting.

There have been some statements received and those are presently under investigation, once the investigation is closed then they will properly be open to the public.

Jimmy Barnwell wanted to know where does this matter stand?
Attorney Hugh Hunter then explained to Mr. Barnwell the policies that the Council must follow and all the steps and procedures.
Kathleen Mincey asked, “ Why hasn’t the Officer been suspended?”

The Chief of Police stated that the Officer was suspended from the school, not suspended from the Police Department, two days later, after Chief Buchan got in touch with the Police Commissioner, they then decided to place the Officer on administrative leave until the investigation is completed.

As of right now, the Officer is no longer driving the Police car or working as an Officer.

Page 4

Other agencies have been asked to investigate this matter and all of those agencies have declined to do so.

ADJOURNMENT

Mayor Grooms asked to have a motion to adjourn. Councilman Davis made the motion that we adjourn the meeting, seconded by Councilwoman Wilson and passed with all ayes.