

**SHELBY COUNTY BOARD OF COMMISSIONERS
MINUTE BOOK NO. 165**

1881

SPECIAL

CALLED

MEETING

JULY 6, 2016

The Board of County Commissioners met pursuant to adjournment at 8:30 a. m., July 6, 2016, in the Shelby County Commission's Chamber, 160 North Main Street, Memphis, Tennessee, with Chairman Terry Roland present and presiding; also present the following Associate County Commissioners, to wit: Van D. Turner, Jr., Mark Billingsley, David Reaves (ABSENT), George B. Chism, Sr., Heidi Shafer, Willie F. Brooks, Jr., Melvin Burgess, Walter L. Bailey, Jr. (ABSENT AT ROLL CALL), Reginald Milton, Eddie S. Jones, Jr., Justin J. Ford (ABSENT AT ROLL CALL) and Steve Basar(ABSENT). Present, eleven; Absent, two.

Mrs. Rosalind Nichols, Clerk of the County Commission, was also present.

Mr. Kim Koratsky, Assistant County Attorney, Assistant County Attorney and Parliamentarian, was also present.

Deputy Sheriff Sammie Jones opened the meeting in due form of law when the following proceedings were had, to wit:

Chairman Roland recognized Deputy Sheriff Sammie Jones, who gave the opening prayer, followed by the Pledge of Allegiance.

REGULAR AGENDA

REPORTS AND/OR RESOLUTIONS FOR STANDING COMMITTEES

ITEM 1 (ADOPTED)

Mr. Koratsky, Assistant County Attorney, announced Item 1, which is as follows:

RESOLUTION AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2017 TO APPROPRIATE TWO MILLION DOLLARS (\$2,000,000.00), TO THE RETIREE DEATH BENEFIT PLAN IN ORDER TO RESTORE THIS PLAN BACK TO THE FUNDING TERMS CONTAINED IN THE FY 2016 BUDGET AND TO REDUCE THE GENERAL FUND BY TWO MILLION DOLLARS (\$2,000,000.00) BY USING \$_____.00, WHICH WAS RESERVED FOR THE COMPENSATION STUDY AND \$_____.00, WHICH WAS RESERVED FOR INFORMATION TECHNOLOGY SERVICES. SPONSORED BY CHAIRMAN TERRY ROLAND.

Whereupon, passage of the Resolution was moved by Commissioner Shafer; duly seconded by Commissioner Brooks.

Chairman Roland stated: "Before this meeting takes place, I would like to address the Commission with Chairman's prerogative. All of you all have a letter that was sent June

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30th by me in care of the County Commission on my intentions as the Chairman to have a meeting today to take out this huge mistake that was made. Second of all, I just want to set the record straight, this has not been in front of the UPPC board, it has not been vetted through the Retirement board and I want to set the record straight – there was a letter sent out the next day sent to the retirees stating that the County Commission did this – I want to set the record straight that it was an amendment offered up by the Administration through Commissioner David Reaves, that's how we got to this point and that's the truth, the whole truth, nothing but the truth. Now I will go to the board. Commissioner Shafer.”

Chairman Roland recognized Commissioner Shafer, who stated: “Thank you very much, Mr. Chairman and if you don't mind I'd like to just ask a couple questions about the retiree portion and how we got there and please help me understand. We were moving through – it was a fairly lengthy process so we were all trying to find solutions. Can you please tell me – the part that I found a little confusing was – I knew we were talking about reducing for a handful of people with death benefits, but why were...”

Chairman Roland stated: “Commissioner Shafer – I want you to know that I have the record pulled on that and that is the exact language that Mr. Kennedy used; a handful.”

Chairman Roland recognized Commissioner Shafer, who stated: “Well, thank you that was my memory. Thank you for correcting my memory. Do we know how many it really ends up being when we put pencil to paper and then secondly, I would have assumed that if we were going to do something like that, that it would have been – the normal thing to do to allow people to buy in – I had a couple of retirees who said, ‘Listen I'm 89, I can't get life insurance at this point, but I'd be willing to pay the \$10.00 a month or the \$20.00 a month but I wasn't given that opportunity.’ So can you help us bridge that gap and figure out why we would go to such an extreme way – you know to handle it, because we certainly wouldn't

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want to do that?"

Chairman Roland recognized Mr. Harvey Kennedy, Chief Administrative Officer, who stated: "Commissioner when we were looking at all of the amendments trying to balance the budget when we were \$3.5 million dollars out of balance, we had a series of potential reductions that we would offer up for the Commission to consider in order to balance the budget. That day in particular I handed out a fact sheet that detailed exactly what the County's life insurance benefits – what they are for both active employees, for retired employees and there's two categories of it; the retired employees that were hired prior to June 11, 2007 have a death benefit, right now, at this point and time of one times their annual basic salary at the time of their retirement, unlike the death benefit for current employees there is no reduction of benefit for anybody that turns age 65 or 70. The active employees – there is a reduction that reaches age 65 or age 70. There was a Resolution that was passed by the County Commission June 11, 2007, that eliminated the death benefit for retirees. Everyone hired after that date, June 11, 2007, does not have a retiree death benefit; those that were already retired and those that were hired prior to have got that one times their annual basic salary. The reason that this was brought up as a potential reduction to the budget cost, is because by putting a cap on it even at \$20,000.00, which would in fact leave Shelby County as a very high level benefit compared to all the other activities that we can find. The highest one that's out there besides Shelby County is for the Shelby County Schools at \$50,000.00, but as we did our research looking at the other activities, almost everyone that we could find in the State of Tennessee has either a \$5,000.00 benefit –

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there's one \$10,000.00 benefit, but most of them have zero benefit, which is what would come about in a lot of cases when they start having their OPEB issues. Now the reason this came about as an efficiency issue is because the PFM study directed us toward this, we took information from the actuary that said by the capping of the life insurance benefit of \$20,000.00, we would – could reduce our OPEB contribution going in the annual required contribution by \$2 million dollars and it would also reduce the approved liability of the OPEB trust fund by a little over \$51 million dollars, so that's from an efficiency standpoint, that certainly enhances the health of it, but the benefit certainly for everybody that's already retired and for everyone that was hired prior to June has the current death benefit other than what was amended at the retirement – or at the last Commission Meeting.”

Chairman Roland recognized Commissioner Shafer, who stated: “So about – so how many people would that affect, round numbers?”

Chairman Roland recognized Mr. Harvey Kennedy, Chief Administrative Officer, who stated: “It affects all of the retirees that are out there right now, which is about 3,000 – high 3,000 and probably maybe half of the workforce.”

Chairman Roland recognized Commissioner Shafer, who stated: “It's a pretty big hand...I think we have established it's – so what we really want to do is work with numbers. So on that is there – tell me about the ability for someone to be able to buy into coverage. Because the letter apparently went out – and I haven't seen a letter, but I got many, many, many, many emails referencing a letter and the letter seemed to indicate that there was no opportunity for them to perhaps buy-in themselves and that seems like that – that seems a

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little extreme to me. Can you detail that some?"

Chairman Roland recognized Mr. Harvey Kennedy, Chief Administrative Officer, who stated: "The life insurance is with a provider, it's not –we're not self-insured in that particular case and we'd have to go in and start looking at modification of the plan."

Chairman Roland recognized Commissioner Shafer, who stated: "But wouldn't – I mean – if for instance, the folks wanted to just pay their \$10.00 or \$20.00 a month to the County and do that, why wouldn't that be an option?"

Chairman Roland recognized Mr. Harvey Kennedy, Chief Administrative Officer, who stated: "It might be, we would just have to get with our provider and find out."

Chairman Roland recognized Commissioner Shafer, who stated: "Okay, alright so I won't stay on that, but I thank you for letting me ask those questions a little bit. And then I would like to ask this, how much would a one percent across the board O and M reduction be for every department and how much would a two percent O and M reduction be across the board? If we could get those figures, then I think that would help us move forward."

Chairman Roland recognized Commissioner Billingsley, who stated: "I'll be brief, Mr. Chairman. There was a lot of miscommunication about this item after it passed. Half the retirees received a memo that noted as you said the County Commission had cut this benefit. Half of the retirees got the letter, half of them didn't because I had about half – a great number of retirees called my home, called my cell phone and then another group of retirees never got the letter at all and I – it was explained to me from the Administration that was pretty accurate that in the haste to get it out, not all the mail had gone out, but what this does

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– I’m not an insurance executive, like Mr. Kennedy has shared all of these great details, but what this does is – and I voted against it the last time and I’ll vote against it again today, is this hurts the most vulnerable people we were elected to protect. You know when we all got elected -- and I know this body is a good body and it’s just some sort of the way I was raised by my grandparents where the people are targeted in this is you keep your promises and you honor your word. At this point – I mean if the retirees had been an opportunity many years to say hey we’re not going to give you that full death benefit they could have made other options, but I’ve talked to retirees who their health is compromised at this point – for some of the spouses that may lose a loved one this year, next year, the year after that, that is one thing that they counted on that – it’s the one thing they counted on when they were gone. And you know what really bothers me about this the most it is the most vulnerable. This is not about someone who – for the most part who made \$100,000.00 in county government, this is going back a great number of years when salaries were not what they are today in county government. In county government today, it’s more comparable, in my opinion, with the private sector, you know you can make \$100,000.00 or \$75,000.00 in county government, but a lot of these people worked for very, very little dollars when they were here and that -- I mean the difference between a \$20,000.00 death benefit that barely gets you buried and the difference in \$40,000.00, or \$50,000.00 or \$60,000.00 is significant. So I voted against this the last time, I’ll vote against it again. It shouldn’t have been even put on the table quite frankly there’s certain things that – Mr. Chairman, I’m not trying to get a rise out of the audience. I just feel very passionate about this. It should not have been put on the

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table the last time. There's certain things in my opinion that are untouchable and it really bothers me – I'm not trying to throw stones at Memphis – but I cannot tell you how many retirees have called my home this 4th of July weekend and said this is something another elected body might do, we cannot believe county government would do this to us. So I won't be voting to hurt our retirees today and I hope my colleagues will join me. Thank you, Mr. Chairman."

Chairman Roland recognized Commissioner Shafer, who Made a Motion to take out the reduction in retirement death benefits in the Operating Budget; duly seconded by Commissioner Jones.

Chairman Roland stated that the reduction in retirement death benefits would be taken out of the Operating Budget; without objection.

Chairman Roland recognized Mr. Hubon Sandridge, who stated: "Commissioner Roland, Commissioner Billingsley and the remainder of you Commissioners. I'm speaking on behalf of the retirees, we will assume Administration made a mistake, but we know you didn't. But we want to thank the Commissioners – I helped Mark Luttrell sit right there in chair --I came here because I paid my dues, everybody behind me paid their dues and I can't thank you enough for your kindness, your respect for us as retirees – my prayers are with you daily. I've been there, I know how tough it is, but I just thank you for the kindness and the respect you have for us as retirees. May God bless you all."

Chairman Roland recognized Ms. Marcy Ingram, County Attorney, who stated: "Without objection is fine, the record should show that it passed 11 to zero."

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Chairman Roland recognized Commissioner Shafer, who stated: "I'm still waiting for my answer, Mr. Chairman that might help us get down the road about the one percent and two percent O and M decrease."

Chairman Roland recognized Commissioner Milton, who stated: "Thank you, Mr. Chair. You know this reminds me when we first – when I first took this seat, the Administration came to us and said you know there's a \$11 million dollar hole in the insurance and we had to address it immediately and it's really difficult ladies and gentlemen sitting in this seat, you don't know everything, you're trying to stay on top of all of the information. I'm not in the business of pointing fingers, I know the job of the Administration is a difficult job, I know everyone here is trying to do their best, I believe that we could do it better, that's why I did not support this, I didn't vote for it, I will not be voting for it again, but I do – they're aspects that, you know, Ms. Hackney, you know it's one of the first things I asked you when I took this position was that when anything was coming up that I felt that was critical I would like for you to call me and let me know about it, because I don't know everything and I'm one of those people who would admit to it and I would say publicly again when things like this are coming up I need for you to pick up that phone and call your Commissioner and have him come down and clarify for him so that he will have a better understanding so he can represent these people out here and do his job better, okay. I'm asking you to do that, as I've asked before. I need to know these things. Thank you, Mr. Chair."

Chairman Roland stated: "And to go along with what Commissioner Milton said, I

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as Chairman will have a Resolution at the next meeting stating that before any policy for the retirees can happen that it's going to have to go through UPPC, it's going to have to go through the Retirement board and we're going to have to have at least 90 day notice to the County Commission."

Chairman Roland recognized Commissioner Shafer, who stated: "Thank you and I hope this gave the Administration some time to do some quick calculating, hopeful not on yellow paper."

Chairman Roland recognized Mr. Kennedy, who stated: "I didn't do any new calculations, but back when we were looking for cuts early on, the bottom recommendation that we had to try to save funds was an across the board reduction of all operating budgets which would be exclusive of some major contractual obligations, for example the inmate medical services where we're locked in to certain amounts. A one percent across the board – all elected officials, all division would probably save just a little over \$3 million dollars – between \$3 and \$3.5 million dollars."

Chairman Roland recognized Commissioner Shafer, who stated: "So, Mr. Chairman, that's \$3 million for just one percent as a – as somebody who runs a few businesses, almost every department can do a one percent adjustments, in fact it looks – sounds like if it's \$3 million we could maybe do a .75 percent adjustment to O and M and that could easily take care of it. So I'll let the Commission discuss but I want to just remind us there's an option right there and there is still those accounts – Account No. 52 and 64 that we can move into if we want to. So I'll let the Commission you know talk about what other plans

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I have but there is a very good – unless the Commission wants me to go ahead and move it.”

Chairman Roland stated: “I need to – we need to know how that one percent is going to affect the employees too.”

Chairman Roland recognized Commissioner Shafer, who stated: “So for O and M it should just be administrative. Like when I get my budget cut O and M, that doesn’t – that’s no salaries, right. That just means I got to do it – got to do a better job of getting my paper, got to do a better job making sure pens don’t walk out of the office...”

Chairman Roland recognized Mayor Mark Luttrell, Jr., who stated: “Thank you, Mr. Chairman, Commissioners. It’s certainly – I certainly respect and honor the action that you’ve taken this morning and certainly I think what we now have to focus on in addition to the ideas being expressed is the fact that we have a \$2 million dollar gap in our budget right now and we do need to focus on that. But I would for the benefit of our audience just like to state that we really and truly were making sausage the other day and as we had been working through the budget for about six hours suddenly a motion was made to balance the budget by going into fund balance. Now Commissioner Milton, at that time we had put a number of options on the table and one of the options that was brought up was the issue of the reduction in death benefit. So we did not know at that time that it was going to come up at that serious discussion, but when we started trying to plug that hole and get the budget balanced we didn’t have an opportunity to really brief all of you in advance on any of the options we put on the table. It was really anticipated that we put up the options on the table for further discussion then action that needed to be taken. But we very quickly approved the

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dipping into fund balance, we balanced the budget, we closed out the day and we saw the consequences. I think if anything was learned from this is that we rushed to get things done the other day when we should have taken the time and I think we're reflecting back now and as Commissioner Roland stated yesterday, it's not a day for pointing finger, it's a day for realizing that in our haste to get something resolved, we missed a couple of points that we're trying to correct today. We are more than willing to sit down and look at the options for getting this resolved as quickly as we can, but I do want to just really caution you, we cannot afford to go into fund balance anymore and solve this problem. So we've got to look at some cuts and certainly Commissioner Shafer has mentioned one possibility, but there are a number of other possibilities that should be considered if you want to truly vet. One percent is going to touch everybody and certainly some of these budgets that you approved the other day that you were very passionate about will take a one percent cut and it will have an impact. But we're here to cooperate, we're here to make it work, we're here to stay as long as we need to, but we really need to get this resolved today so we can move on with the business of county government. Thank you."

Chairman Roland recognized Commissioner Jones, who stated: "Thank you, Mr. Chairman. Last week when this came, I didn't vote for it. One of the things with me when it comes to employees, Mr. Mayor, when we first met in your office, you were trying to get to know me, you asked – and one of the things that I told you was if you do something that I didn't like that was against the community, against the employees, you wouldn't have my support and that was when I first got elected. Because I believe in these employees and

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retirees and so I didn't support this and I'm going to just leave that right there. But here's my question, how much that other divisions did not use that they're going to be sending back to the Administration because they didn't spend it in the FY 16, so how much money are you collecting back from all of the divisions? Mr. Kennedy."

Chairman Roland recognized Mr. Kennedy, who stated: "Commissioner, the only elected official that we've taken a hard look at has been the Sheriff's office and that's mostly in personnel dollars. I think we were estimating that it might be around \$3.1 million dollars. We're really not going to know how much underspending is done by every single organization until all of the books are closed until we can get all the bills paid; everything accrued. So we just can't give you a number like that until we're closed out. We're only six days after the end of closing and I'm in there still paying bills. You may recall all of the grants that were approved at the last meeting we're still in the process of paying those and charging those against last year since the funds were obligated. So we've got a little time to close out, but there will be some amount, but most of it – I think Mr. Swift has more experience with it than I do maybe he'll want to correct me, but it seems most of the surplus of underspending we get comes from the Sheriff's office and we pretty much accounted for that one by carrying it forward in next year's budget."

Chairman Roland recognized Commissioner Jones, who stated: "Right, okay, historically, historically how much have you been getting back on an average – I know what the Sheriff's just did – just historically?"

Chairman Roland recognized Mr. Swift, who stated: "I would have to go back and

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look, I don't remember those numbers exactly, but I would tell you that we carry a reserve or the amount we expect people to underspend of over \$3 million a general reserve plus in salaries and other \$2 or \$3 million dollars, we probably on average have been around \$3 million dollars, I would guess, but I don't know that for sure."

Chairman Roland recognized Commissioner Jones, who stated: "Okay, alright. I just wanted to throw that out there just in case we don't have cut anything that there's money that may be coming back, so – but I'm going to leave that right there. I've got some other areas I think we can look at, but I'm going to let the other Commissioners say something. Thank you, Mr. Chairman."

Chairman Roland recognized Commissioner Billingsley, who stated: "I think this body has been solutions, you've been about solutions, I'm happy to be a part of the solution; we are not part of the problem. I champion two items that I believe very passionately about, one of those is JIFF that helps – really it's an investment on the front end for youth instead of them being incarcerated when they get into trouble. And so, Mr. Chairman and Commissioners I'm going to offer two possible solutions. I sponsored giving \$169,000.00 to JIFF. I would like to be a part of the solution today, I would like to amend that down to \$150,000.00 – Commissioner Chism brought up a very good point at the last Commission Meeting, they lost their computers at the JIFF program and it's about \$19,000.00, I will personally raise the \$19,000.00 working with Mr. Graham to make up that deficit so – and I'll ask some other Commissioners to help me with that, personally. So I'll amend the 169 down to 150 and then I have..."

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Chairman Roland recognized Commissioner Billingsley who made a Motion to Amend the contribution to JIFF from \$169,000.00 to \$150,000.00; duly seconded by Commissioner Burgess.

Chairman Roland stated that the contribution to JIFF for \$169,000.00 would be amended to \$150,000.00; without objection.

Chairman Roland recognized Commissioner Billingsley, who stated: "Okay, so JIFF will receive \$150,000.00 and you got my word I will personally raise the \$19,000.00 for computers. On another item, the Correctional Officers, as you knew Chairman, it came to light that there is a gigantic pay disparity as much as \$13,000.00 based on the Administration's presentation for Correctional Officers that have served over five years when they – if you'll look purely at the Jailers at 201 Poplar that also have some issues. I sponsored with some fellow Commissioners \$1 million dollars – it's come to light that there is a \$500,000.00 fund that the Administration has – it is a salary contingency fund – I talked to Mr. Kennedy yesterday, there's half a million dollars in there. If the Administration would agree to restrict \$250,000.00 out of that half a million dollar fund specifically for the Corrections Officers, we could bring the \$1 million dollar ask down to \$750,000.00 and at the end the Correctional Officers would still get the \$1 million dollars held in reserves for them without -- and that would save another \$250,000.00 in the end the Correctional Officers could be – the \$1 million dollars doesn't make the Correctional Officers whole is what I anticipate. I think based on Ms. Hackney's numbers it's going to be closer to \$2 million dollars, but again the compensation study has not been done, but if I could get cooperation from the

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Administration to again restrict \$250,000.00 out of the half a million dollar fund and we keep \$750,000.00 in again the Correctional Officers would have a \$1 million dollars when that salary study comes back, which I hope would be done very quickly. So I offer that up, Mr. Kennedy, as a possible solution.”

NOTE: COMMISSIONER SHAFER ASSUMED THE CHAIR.

Chairman Roland recognized Mr. Kennedy, who stated: “Commissioner you know our recommendation was to back off of the \$1 million dollars moving into the contingency fund, because we haven’t determined a need for it yet. All –what we committed to initially is we’re going to have a salary study, we’ll look at the market value of those position, we’ll make whatever adjustment that is appropriate, you know again it’s the elected official who sets the pay on this case. Whatever is the appropriate increase, probably over some period of time we’ll do it, but you know to set it up and predetermined exactly how much we’re going to need and what we’re going to do you’re trying to set their – you’re trying to set the increase and that is the elected officials prerogative.”

Chairman Roland recognized Commissioner Billingsley, who stated: “Mr. Chairman, that is not accurate in that how can you plan for a salary survey – if you’re going to do a salary survey I think we all – I think, if you all want to disagree with me, I’ll bet you my house that when the salary survey comes back it’s going to show that the Correctional Officers are underpaid based on all the norms – I understand we’re going to take the lowest paid Correctional Officers in the country and look at their salaries, but there’s also going to be other Correctional Officers in other parts of the country that are making more than ours.

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So I think the truth is somewhere in the middle and for you to say that we're going to find the money after the fact, I just don't trust it anymore. I'm going to be very fair with you and again I'm not going to be the bad guy today, I am not going to be the bad guy in that I'm offering up a solution – you have a half a million dollars in the contingency fund that you told me we had – but it's sort of like saying you know son if you get all A's at the end of the deal, I'm going to take you for ice cream, the problem is you know the ice cream shop is closed but you keep promising and promising and promising – we – what we did the other day was we even discredited a Correctional Officer who came down here – I don't know if Carlos Sanders is here today, but Carlos Sanders was here the other day – and Mr. Kennedy, I like you and I value but you told Mr. Sanders that you knew nothing about the Correctional Officer pay disparity and immediately within 30 minutes I got a documented letter that was sent to you that said – that recognized back in 2011 they were concerned about their pay but nothing has been done. I'm not going to walk away today with nothing done – so Mr. – Madam Chairman, I take back my \$250,000.00 amendment. I will stand strong on \$1 million dollars for the Correctional Officers because we don't have a group that wants to work with us. Thank you.”

Commissioner Shafer stated: “Chairman is coming back, but I will just remind everybody that I have an amendment that I'm waiting to bring to forward or a motion that I'm waiting to bring forward, but I wanted everybody to be heard first. Commissioner Brooks.”

Chairman Roland recognized Commissioner Brooks, who stated: “Thank you very much. I guess my observations or questions are to the Administration. In reference to the

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compensation study, typically when they'll say that it's done and the recommendations come back, there are monies set aside that would address any particular inequities or salary administration adjustments, am I correct?"

Chairman Roland recognized Mr. Kennedy, who stated: "That's correct, Commissioner. As we've said a number of times through this process we have in the budget, there's a specific account that's called a salary change account that's got \$500,000.00 in it. That money was set up because we knew that there were a number of classifications, a number of jobs that were going to be looked at – the Correctional Officers at the Shelby County Division of Corrections will be one of those groups looked at and then whatever appropriate adjustments that need to be made will be funded out of whatever funding is available within the organization's budget plus whatever we need to supplement it out of that salary change account, that's what it's set up for."

Chairman Roland recognized Commissioner Brooks, who stated: "Okay, and that's independent of the cost associated with the consultants?"

Chairman Roland recognized Mr. Kennedy, who stated: "The cost of the consultant is in my budget. We have programmed \$100,000.00 for the study which we be looking – we're looking at the proposals now. We'll be making an award – I don't know exactly what the cost is going to be but we'll hope it will be somewhere around that, but that's an O and M expense budgeted separately out of the regular budgets."

Chairman Roland recognized Commissioner Brooks, who stated: "And so once that study is completed, the recommendation will come back to this body in terms of the

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results and the findings, etc.?"

Chairman Roland recognized Mr. Kennedy, who stated: "The results of the compensation study we'll certainly make available. We'll come back and tell you what the results are for the various areas that we're looking at and the sequence in which we're looking at them. We've got the Judicial Commissioners, we've got several other positions that increases were requested for. We need to study those and validate them -- Correctional Officers will be one of those groups."

Chairman Roland recognized Commissioner Brooks, who stated: "Okay. I'd just like to caution my colleagues in reference to the process in which the Administration is addressing pay and equities that is the proper process, from an HR perspective. Compensation study has to be done; recommendations come forward in terms of the allegations, if there are any and the Administration has to address that in terms of the funds allocated. So that is the proper process, they are not going around the process, that is the proper process by which studies are done. And I think as a body of Commissioners we have to be careful that we don't put ourselves in the position of going outside of the realm of the process that you normally do a compensation study, okay. I just want to caution you on that, because if we do that then we're going to create some other problems down the road for other classifications that would come in and request -- and make the same request. As a follow-up to that, what other areas do you suggest -- knowing the fact that we were coming back to restore the \$2 million dollars to the retirees? What other options are available in terms of making cost?"

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Chairman Roland recognized Mr. Kennedy, who stated: "Commissioner, I appreciate that, yes coming forward we can certainly see that the change in the budget to save the \$2 million dollar from the insurance was probably going to get overturned leaving the \$2 million dollar gap in that. so what we have proposed – what the Administration would propose again is to remove \$1 million dollar contingency that was placed in under Commissioner Billingsley's Resolution – I think we can handle the changes as they come forward and the other one, we think that we need to back off of the \$1 million dollar increase to the contribution to Regional One Health. They didn't ask for that in the budget – we've spoken with them; we have an ongoing dialogue. The Mayor meets on a regular basis with Dr. Coopwood; he's got the Mayor's assurance that we will try to deal with their funding needs as the changes in subsidies occur. And the \$1 million dollars I think would be backed off – we've spoken to the Regional One Health folks and they're fine with it. so we would recommend reversing the \$1 million dollars for the Correctional Officers funding contingency and the \$1 million dollars increase for the Reginal One Health and we'd be right back in perfect balance."

Chairman Roland recognized Commissioner Brooks, who stated: "Of course Regional One is not here, so it would be difficult for us to address that particular issue since none of them are here and we don't want to be in the same position as we were with the retirees today when they weren't here to voice their concerns regarding this issue that we're reversing now. So I would be kind of reluctant on that particular one because they're not here to give their position regarding..."

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Chairman Roland recognized Mayor Luttrell, who stated: "Mr. Chairman, if I may.

At the conclusion of the Commission Meeting last week, I spoke with Dr. Coopwood and I think Dr. Coopwood in turn spoke with Commissioner Milton – if you take Commissioner Milton's word over my word then you might question Commissioner Milton on the conversation with Dr. Coopwood as well; but we both received assurances from Dr. Coopwood that when the sky falls, we'll know it."

Chairman Roland recognized Commissioner Milton, who stated: "Thank you. My responsibility is when I see there is a need and if there is a possibility of addressing it to do so. I'm seeking funds to help Regional One, so we can discuss who we're talking to, who we're not talking to. These funds are to help Regional One Hospital. And I see there is a commitment to it and as a Commissioner I am committed to making sure those dollars help that hospital which helps the poorest in our community and I have no intention of withdrawing that commitment to my community. So we can discuss it all we want to and we can talk with or we can call and pressure people, but at the end of the day that's a commitment that I made and I'm prepared to fight for it with every breath in my body."

Chairman Roland recognized Mayor Luttrell, who stated: "Would you feel comfortable expressing your conversation with Dr. Coopwood as he expressed it to me?"

Chairman Roland recognized Commissioner Milton, who stated: "No I would not, there's no reason to, because it's not about Dr. Coopwood. Again these funds are about Regional One and that's my commitment to Regional One Hospital. Thank you."

Chairman Roland stated: "Commissioner Brooks this is to add to what you're

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talking about is the contract – the compensation study – if it's more than \$50,000.00, it has to come back in front of us anyway, am I right, Mr. Kennedy?"

Chairman Roland recognized Mr. Kennedy, who stated: "Yes that's correct. When we get ready to sign a contract with whoever is going to do it, I'm quite sure it will be over \$50,000.00 so you'll see the contract."

Chairman Roland recognized Commissioner Brooks, who stated: "As a follow-up to Commissioner Shafer's suggestion regarding a one percent reduction, could you elaborate on that and what divisions will be impacted?"

Chairman Roland recognized Mr. Kennedy, who stated: "I could – I need to correct that too. I'm reading from some of our options here. To get \$3.5 million – sorry about that – that obviously would be almost the entire General Fund, that would be O and M and personnel cost. I think we would probably – with a one percent reduction probably on the O and M only, probably save about \$700,000.00, that's the portion of our budget that's O and M. Does that sound about right, Mr. Swift?"

Chairman Roland recognized Mr. Swift, who stated: "That's correct, but that includes the inmate medical and utilities, some of the things that can't be reduced."

Chairman Roland recognized Mr. Kennedy, who stated: "We can figure out an exact percentage to come up with whatever dollar figure you specify and make that cut absolutely evenly across the board exclusive of some of those things that make contractual obligations if the across the board cuts what we choose as our balancing method."

Chairman Roland recognized Commissioner Brooks, who stated: "I guess what

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my concerns are if we're moving – we're dealing with numbers right now and I think we need to be as accurate as we possibly can as we move forward to determine where we're going to get this \$2 million dollars from. So is there any way that we can get some assurance regarding as we move forward the numbers that we're talking about as we go forward or either we'll just move it, I mean you put us in a position of going – you say you don't want to deal with the General Fund Balance, but you're pushing us in that direction if you don't give us accurate numbers.”

Chairman Roland recognized Mr. Swift, who stated: “To me it is – it makes a lot more sense if you want to do an across board cut to do it on all expenses so that each elected official can choose whether they have room in their salaries or they have room in their O and M and that makes it a much smaller percentage so that you could do about 70 percent and you'd get the \$2 million dollars on total expense.”

Chairman Roland recognized Commissioner Shafer, who stated: “Thank you, Mr. Chairman, if it's appropriate I'd like to go ahead and move the – I think 0.75 percent or 0.70 percent – 0.70 percent across the board, which would give each elected official the ability to determine where they would take – you know where they can best afford to do it, it's not even one percent and in my experience, Mr. Chairman, a one percent reduction or a two percent reduction – I mean I regularly get 10 percent reductions in my business – required to cut at 10 percent. So I would move and I hope I can get a good solid second...0.70.”

Chairman Roland recognized Commissioner Shafer, who Made a Motion for 0.70 percent across the board reduction in O and M and personnel to be determined by each

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elected officials; duly seconded by Commissioner Milton.

Chairman Roland recognized Commissioner Bailey, who stated: "Let me employ or caution us in addressing the O and M in that fashion – I appreciate Commissioner Shafer's efforts to try to provide some sensible Resolution, but we've been advised that this could, as I understand it Mr. Kennedy, impact the salaries of employees, they could look at that as well. Is that...?"

Chairman Roland recognized Mr. Kennedy, who stated: "Commissioner the way this has been drafted it would be up to each elected official and – to determine whether they wanted to take the reduction in their operations and maintenance or in their personnel budgets probably in case maybe by elimination of vacant positions or whatever, but it would be up – the way it's drafted it would be up to each elected official's option."

Chairman Roland recognized Commissioner Bailey, who stated: "So they could – it would be their call without any rational administrative rationale – it could be on wheel and caprice in terms of their approach to it...no guidance."

Chairman Roland recognized Mr. Kennedy, who stated: "Theoretically...it could be, but I think we have very responsible elected officials, I think they would make very judicious decisions about making the reductions. I think every one of them that I know would."

Chairman Roland recognized Commissioner Bailey, who stated: "Well I just suggest that we approach that very cautiously and I'm going to have to vote against it. I don't support giving the opportunity for further reduction to the department heads to reduce

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the – or impact the employee’s salaries, so for that reason I’m going to vote against it, Mr. Chairman.”

Chairman Roland recognized Commissioner Jones, who stated: “Can you tell me across the board, each division, how much would come out of their budget to reach the \$2 million dollars? Just on average, each division. We’re looking at \$100,000.00, \$200,000.00?”

Chairman Roland recognized Mr. Kennedy, who stated: “Commissioners...very widely based on size of the budgets. Sheriff, you know has an extremely large budget, whereas some of the – the Register has a very small budget, so it’s going to be on a percentage basis and the amounts’ going to vary depending on the overall size of the budget.”

Chairman Roland recognized Commissioner Shafer, who stated: “Mr. Chairman, may I just put a point of clarification for that. Where the Sheriff is specifically, I had talked with him about this as a possibility when we were looking for ways to get money and he said it’s something that he could work with.”

Chairman Roland recognized Commissioner Bailey, who stated: “Mr. Chairman, I want to offer an amendment to the pending Resolution...I don’t know whether it would be accepted as a friendly amendment or not...my amendment would be that we don’t touch the – that this would not impact or apply to the salaries of employees.”

Chairman Roland recognized Commissioner Bailey, who Made a Motion to Amend that this amendment would not the impact the two percent salary increase for the employees;

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duly seconded by Commissioner Brooks.

Chairman Roland recognized Commissioner Shafer, who stated: "Mr. Chair. My understanding is that we haven't altered the two percent salary increase anyway, so that it wouldn't touch it, but correct me if I'm wrong on that, because I actually had thought similarly to Mr. Bailey."

Chairman Roland recognized Mr. Kennedy, who stated: "The two percent has already been factored in, in fact it's already been applied to all of the existing employees effective July 1st based on the passage of the budget on June 29th."

Chairman Roland recognized Commissioner Shafer, who stated: "So then – you know there is no such thing really as a friendly amendment, but what Commissioner Bailey is saying is right in line with what we're going so I'd be happy to have that put into the language if that would be – if that would suffice."

Chairman Roland stated: "Mr. Parliamentarian, County Attorney, I want that language put into this and it clearly states 0.7 across the board O and M cut and the two percent employee raise that we're giving this year will not be affected at all, am I right?"

Chairman Roland recognized Mr. Kennedy, who stated: "It's O and M and personnel."

Chairman Roland recognized Commissioner Shafer, who stated: "And for the clarification for that, so if somebody had a political appointee..."

Chairman Roland stated: "And/or personnel, okay. It's not and, it's and/or."

Chairman Roland recognized Commissioner Jones, who stated: "Can I ask a

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question on that? Because I'm hearing the Resolution -- you're not going to mess with their two percent increase, but if I scale down an employee, take them down to another level, I did reduce that, but I didn't touch the two percent, which the two percent won't be that much. I just want to be clear that you're not touching any employee's salaries, because there's a way to go around that from what I'm hearing. So you're not going to touch the two percent with your salary..."

Chairman Roland recognized Commissioner Bailey, who stated: "Mr. Chairman. That's the intent of Commissioner Jones or articulation -- the intent or the spirit of this amendment."

Chairman Roland recognized Mr. Kennedy, who stated: "To answer the question, the only circumstances that I'm aware of where salaries get reduced is in the event that someone is demoted for disciplinary purposes or someone goes into a lower -- to a completely different position, but there are no basis for just lowering someone's pay other than for appointed personnel and that really is appointed personnel whatever their elected official appoints to."

Chairman Roland recognized Commissioner Jones, who stated: "Right, I'm just trying to be clear that we're not touching..."

Chairman Roland stated: "Okay we're -- let me rephrase this for you. Alright, 07 percent across the board, the two percent raise is not going to -- an employee is not going to be affected at all -- that was the intent. Am I right, Commissioner Bailey?"

Chairman Roland recognized Commissioner Bailey, who stated: "That's the intent

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– spirit of intent.”

Chairman Roland recognized Commissioner Brooks, who stated: “Thank you. I don’t want to muddy this situation, but I think what we have to look at is when you talk about personnel, you’re looking at probably if they choose not to feel a vacancy. In relationship to job classifications, the jobs have been determined based on their pay grades and salary ranges, so we’re not touching that and I think the Administration understands that part of it, it’s just that if they decide to reduce their staffing, which is something they could choose to do or not choose to do, we’re not getting into individual salaries and asking for a two percent reduction in their pay. Am I correct?”

Chairman Roland recognized Mr. Kennedy, who stated: “Exactly correct, Commissioner.”

Chairman Roland recognized Commissioner Brooks, who stated: “Okay, so I think we’re getting into some HR functions that pretty clear as to what they follow in relationship to looking at pay. So if in fact a job has to be evaluated based upon the job duties and responsibilities, it’s going to be a system by which they – a tool by which they wish to do that and that’s based on knowledge, skills and abilities. This is – it has nothing to do with that.”

The Clerk called the roll for casting of the vote with the following results:

AYES: Bailey, Brooks, Billingsley, Milton, Shafer, Jones, Chism, Burgess, Turner and Roland.

NAYS: None

ABSENT: Reaves and Basar

AYES, ten; NAYS, none; ABSENT, two (Ford absent during roll call).

Chairman Roland declared the MOTION CARRIED AS AMENDED.

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Mr. Koratsky, Assistant County Attorney, announced Item 1 as amended, which is as follows:

RESOLUTION AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2017 TO DELETE THE CLAUSE "BE IT FURTHER RESOLVED, THAT THE LIFE INSURANCE DEATH BENEFIT FOR RETIREES SHALL BE A MAXIMUM AMOUNT OF \$20,000.00" AND TO REDUCE ALL OPERATION AND MAINTENANCE (O & M) BUDGETS (OR THE PERSONNEL BUDGET AT THE ELECTED OFFICIAL'S DISCRETION) ACROSS THE BOARD BY .70 PERCENT. SPONSORED BY CHAIRMAN TERRY ROLAND.

"WHEREAS, Pursuant to Article III, Section 3.03(B), of the Shelby County Charter, the Shelby County Mayor presented a budget to the Board of County Commissioners showing the sums necessary to carry out the functions of the County for Fiscal Year 2017; and

WHEREAS, The Operating and Appropriating Budget for Fiscal Year 2017 was passed by Resolution No. 2, adopted on June 29, 2016; and

WHEREAS, The Operating and Appropriating Budget for Fiscal Year 2017 included an amendment to the life insurance death benefit plan for retirees which the County Commission hereby desires to delete; and

WHEREAS, The County Commission desires to appropriate funds to the General Sessions Judges, General Sessions Court Clerk and the Election Commission in the total amount of \$174,010.00, to be expended as indicated in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, The County Commission desires to appropriate \$150,000.00, to JIFF instead of \$169,000.00, which amounts to a \$19,000.00 reduction to the JIFF allocation; and

WHEREAS, The County Commission desires to reduce the O&M budget (or personnel budget at the elected official's discretion) across the board by .70%.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Operating and Appropriating Budget for Fiscal Year 2017, which was approved on June 29, 2016, is hereby amended to delete the clause, "BE IT FURTHER RESOLVED, That the life insurance death benefit for retirees shall be a maximum amount of \$20,000.00."

BE IT FURTHER RESOLVED, That the Operating Budget for Fiscal Year 2017 is

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hereby amended to eliminate the adjustment for the life insurance death benefit for retirees resulting in a \$2,000,000.00, change to said fiscal year budget and reduce expenditures in the amount of \$2,000,000.00, by implementing a .70% reduction to the O&M budget (or personnel budget at the elected official's discretion) across the board.

BE IT FURTHER RESOLVED, That to the extent that any elected official uses the personnel budget to accomplish the .70% budget reduction, said reduction will not impact the 2% general salary increase provided to employees in fiscal year 2017."

BE IT FURTHER RESOLVED, That the General Sessions Judges, General Sessions Court Clerk and the Election Commission shall be appropriated the total amount of \$174,010.00, to be expended as indicated in *Exhibit A.

BE IT FURTHER RESOLVED, That JIFF shall be appropriated the total amount of \$150,000.00, instead of \$169,000.00.

BE IT FURTHER RESOLVED, That the Mayor and Director of the Division of Administration and Finance are hereby authorized to issue their warrant or warrants for the purposes contained in this Resolution and to take proper credit in their accounting therefor.

BE IT FURTHER RESOLVED, That this Resolution shall take effect in accordance with the Shelby County Charter, Article II, Section 2.06(B), the public welfare requiring the same."

*NOTE: EXHIBIT A REFERRED TO HEREIN
FILED WITH RECORD IN OFFICE OF
CLERK OF COUNTY COMMISSION

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: July 8, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: July 6, 2016

Whereupon, passage of the Resolution was moved by Commissioner Shafer; duly seconded by Commissioner Brooks.

The Clerk called the roll for casting of the vote with the following results:

AYES: Bailey, Brooks, Billingsley, Milton, Shafer, Ford, Jones, Chism, Burgess,

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Turner and Roland.

NAYS: None

ABSENT: Reaves and Basar

AYES, eleven; NAYS, none; ABSENT, two.

Chairman Roland declared the MOTION CARRIED AS AMENDED.

ANNOUNCEMENTS AND STATEMENTS

Chairman Roland recognized Commissioner Billingsley, who stated: "I just want to thank the body for working together on this budget. It's been a difficult process. I thank our budget Chairman, who's worked really diligently and all the members who – I think some of us that are newer brought some new ideas, I think some of us who've been around a number of years have shared their wisdom with us, like Commissioner Shafer and others, but I appreciate this – the process we've had. It's been very, very difficult as we had to fight for education and some other things that the good thing was, I think this body was – to your comments Commissioner Roland, we were – we had our eyes on what was important and we did it in a bipartisan way, if you were from District 1 or from District 12, we had the eyes on the prize. The other thing is I would just offer up to all of us and to our community in the last – since our last meeting we've had a number of very, very serious tragedies – you don't necessarily hear as much about Shelby County Fire Department, Shelby County Sheriff's Office dealing with some of the tragedies we've faced over the last week, so I just know I share and speaking for all of us that we offer up in prayer our First Responders, our Sheriff's Department, our Fire Department with the deaths of the four babies that were killed as well as the tragic accident, I think in your district Commissioner Roland. And I would also say we've got to continue the conversation on mental health. We've talked about that a lot. We've seen in recent days more tragedies as rights to mental health and I want to complement every Commissioners for standing up for the additions we put in the budget from Juvenile Court to Corrections to the District Attorney's Office – there are a lot of specific items in there that address mental health and quite frankly, gentlemen and ladies, if you wouldn't have stood up for those additions for mental health we wouldn't have them today. So sometimes we have to push a pretty heavy rock up the hill to get things done, but I think we get reminded sometimes by tragedies how important those things and I don't think we can spend enough when it comes to helping a child early on and dealing with the mental

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health issues we have in this community. So again I just thank each one of you, I thank you Mr. Chairman, I thank the Administration and I look forward to another good year on the County Commission.”

Chairman Roland recognized Commissioner Turner, who stated: “Thank you, Mr. Chairman. I’m going to again Mulligan the comments of my fellow Commissioner, Commissioner Billingsley. Many people thought that the deaths of the four young ones was in my district, but it was actually in your district Commissioner Billingsley on the other side of Hacks Cross, but we share that area together. The funeral services will be at our church this Saturday and it’s just – I was not in town, but my heart went out to the family and to all those involved and to the First Responders so to your point we definitely need to keep those young ones in our prayers and we have to do what we can to address mental illness in our community. Many of the folks incarcerated are mentally ill and so we have to continue to address that issue. Again thank you Mr. Chairman for this process. One final thing, I distributed something, Mr. Chairman, and I thought it was addressed –I realize this is a Special Call Meeting for the specific purpose of addressing the retiree’s benefits, but these were amendments which were suggested by the Administration and these were amendments to the budget for General Sessions, Civil Judges, Court Clerk and Election Commission totaling \$174,010.00 – I missed the 10 on that -- \$10.00 and so my understanding was that since these were no additional cost and were recommended by the Administration, we accepted these – this amendment without objection. I know Commissioner Reaves reopened the budget and went down with a no recommendation on the budget, but it was always my understanding that we had three amendments which were already in there. One amendment for this which was no cost to these departments and the other amendments involved I think education and so for clarification, I just wanted to put this out there. I don’t know if we need to take any other action for this, because my understanding was these amendments were already in there.”

Chairman Roland stated: “I think they already are. If you don’t mind me showing you – I handed a piece of a paper out and this \$174,000.00 that you’re talking about was – it was broken down to Civil Judge – General Sessions Court – you’ve got General Sessions Court \$228,238.00, what we voted, General Sessions Environmental Court, \$8,233.00 and General Sessions Veteran’s Court \$201,020.00.”

Chairman Roland recognized Commissioner Turner, who stated: “Okay. Is that

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your understanding, Mr. Kennedy, that these are in the budget and we're okay with that?"

Chairman Roland recognized Mr. Harvey Kennedy, Chief Administrative Officer, who stated: "Commissioner I think that – I think they were reviewing the record there, I don't think that there was ever an exact positive vote, but I think there was enough dialogue at the Committee Meeting to include that these were amended so – let's make this a lot easier let's just go ahead get those put in the budget. Make sure that they are – Ms. Richards can get that put in the budget, but we're going to have a little flexibility which we approved last time to get the balancing exactly right. I'll make sure we got that one covered."

Chairman Roland recognized Commissioner Turner who made a Motion to accept the amendments for General Sessions, Civil Judges, Court Clerk and the Election Commission; duly seconded by Commissioner Burgess.

Chairman Roland stated that the Amendments for General Sessions, Civil Judges, Court Clerk and the Election Commission would be accepted without objection.

Chairman Roland recognized Commissioner Turner, who stated: "And Mr. Chairman I disclose – my law partner does do work for the County – Election Commission, but this is not involving anything that's related to her – my disclosure."

Chairman Roland recognized Commissioner Milton, who stated: "Thank you, very much, Mr. Chair. I also want to commend this body; being one that has worked in the community as long as I have, I've had to engage the other County Commissions that came before us and not taking anything from any of them, I am truly impressed with how well we work together and how quickly we address challenges brought to us by the community. I think this body is moving in the right direction. I'm honored to work with you and as well I would like to point out that we can't do this job along, this is a relationship with us and the Administration and I always try to pull back from personal issues and personal attacks. I try to focus on us in a way that we can work together and work in a positive way. I stress to the Administration to understand that this is a different type of County Commission. We are demanding more of a legislative involvement and I think that's a good thing and I ask the Administration to try to continue to work with us and I think if we do so I think we can move forward and make the county as great as we want it to be, because I believe that each and one of us gets up in the morning and we're all committed, every single one of us in making this county as strong and as successful and as productive and as healthy as possible. And finally I want to thank all of you, because you're doing your job as citizens – as citizens it is

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your responsibility to call us to task. We work for you, we are your public servants and when we fail you or when you question us you are – it is your responsibility. We reflect what you create. If you don't what's up here – you put us here – if you don't like it take us out. Thank you, very much. Thank you.”

Chairman Roland stated: “I'll go a little bit further than that and say that we all care about one another. We love each other up here.”

Chairman Roland recognized Commissioner Brooks, who stated: “Thank you, Mr. Chairman. I'd just like to thank all of you for coming out this morning. Thank you for the phone calls and the letters that you sent. I do want you to know that I listen, I'm here and I want to be transparent and that transparency comes with feedback from you because you elected us as elected officials to serve you. So thank you for coming out today and I'm sure that we'll address your concerns. Thank you very much.”

ADJOURNMENT

ITEM 2

Mr. Koratsky, Assistant County Attorney, announced Item 2, Adjournment to Monday, August 1, 2016.

Chairman Roland stated that, without objection, the Commission meeting of Wednesday, July 6, 2016, was adjourned until Monday, August 1, 2016.

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COMPILED AND EDITED:

ROSALIND NICHOLS
CLERK OF COUNTY COMMISSION

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