

## **Rundown of executive session as remembered and recounted by County Attorney Tommy Craig:**

(All quoted statements were informal quotations and were not meant to be exact word-for-word quotes.)

The board went into executive session.

The board first discussed issues that related solely to the present county manager and expressed its desire to retain access to (Mr. Middleton's) knowledge and services as needed after his retirement.

The board then invited Mr. Middleton into the executive session for the purpose of the board discussing with him what it had discussed in private. What I said, is if nothing else, (the staff would like to) have the right to pick up the phone and call John and say, 'Hey, I have a question for you.' Not something where he would be required to come back in and maintain office hours, just be available with the knowledge of the tribe for his successor - something where the successor county manager would have access to him by telephone.

Was compensation or duration or any of those kind of things discussed? No.

The board is united in its desire to have some kind of continuing relationship that would have access to (Mr. Middleton's) reservoir of knowledge and experience. I think he said he appreciated the kind remarks and he and the board can talk about when the time comes.

The next thing the board discussed, based on my recollection, is Commissioner (Levie) Maddox said he was ready to make a decision and thought it was important to get somebody on the job, learning as much as they could before Mr. Middleton's departure, and that he had given a lot of thought to it and that he was ready to make a decision (that Tuesday night, Jan. 21).

(Commissioners) went around the room and everybody voiced their opinion. Various candidates were discussed in some detail, and then there was an objection raised to appointing (that night).

Commissioner (Nancy) Schulz objected saying that she wanted to have a process. She wanted to consider advertising the position and interviewing candidates and getting the form of government issues settled before the appointment was made. Other people commented that it could take four to six weeks to do all of that and they didn't think we had time to waste. I think (Schulz) raised the question, 'How do you know what title to give this person?'

Somebody asked my opinion, and I said, 'I don't think the title matters. I think what you have to do is get somebody in there. It's not going to be possible, whomever you select, to learn everything John knows between now and the time of his departure. Your discussions have settled around the budget and needing somebody to learn the budget, that is true, but there's a lot more to the job than the budget.'

He's got 14 to 16 or more departments that are reporting directly to him. So there's a lot to learn plus the budget.

'It seems to me that the most important consideration under these circumstances is not process but substance, actually getting somebody into the position so they can start to learn. If you already know who you want then going through four to six weeks of delay is not wise.'

So, (Schulz) raised this question about process as a way to delay the decision it looked like the majority of the board was prepared to make. Then (Maddox) said, look we've been hearing that John (Middleton) was leaving for a long time, and he's had health issues for a much longer period of time, so, 'I don't know about other people on the board, but I've been wrestling with this for at least nine months. I've been investigating and talking to a lot of people and trying to learn as much as I could and I've come to a decision.'

And then several other board members said yes, 'I've been wrestling with this same thing for months, and we've all known its coming. So if you haven't done your homework and you're not ready to vote, then it's really your own fault' so to speak.

(At one point), I was asked whether or not we were getting over into too much discussion about process and I think we had, and I said so in the meeting. I said here are the rules, as the minutes reflect. (Schulz) said 'I think we've veered too far away from talking about candidates to talking about the process.' She raised the issue (about process). I said, 'I think you're right, let me just restate what the rule is and I did.' And that was the end of that discussion. Then (Schulz) went back to discussing process. Then the board adjourned.

So, that being said, everybody voted to end the executive session and went across the hall and voted.

### **Commissioners Nancy Schulz's reply:**

Schulz said she had two major complaints with the executive session discussion:

1. The board agreed unanimously to discuss the county's organizational structure and
2. If the board was going to create a new position, even if temporary, it should be discussed in an open, transparent manner.

Schulz said she asked the board to postpone a decision two weeks to first look at the county's organizational structure. She said she didn't think it was right to move forward without clear job descriptions.

(One factor that Schulz brought up after the meeting is the fact the county manager's job description doesn't include hiring and firing ability, authority which rests with the chairman. Generally, the power to hire and fire rests with a county manager, Dave Wills, a local government expert with Association County Commissioners of Georgia, told The News in a 2011 interview when asked about the difference between county managers and county administrators.)

"I get it, we want this person to have as much opportunity as possible to study under Mr. Middleton, but we need to have the job description already figured out and have all these discussions take place before you hire somebody. There was nobody else interviewed formally. If you recall, the third person mentioned didn't even know he was under consideration," Schulz said Friday.

"I was not trying to obstruct a decision. I can remember what I said. 'This doesn't feel right to me. It feels as though we are not acting in the best interests of the public.' I said those exact words. And then I looked at (County Attorney Tommy Craig) and said, 'Should this be discussed in this type of environment or should it be in a public setting?' I wasn't trying to obstruct anything; it just didn't feel right to me.

"John (Middleton) didn't even announce his retirement until the first meeting in January.

Schulz said when she told Craig she was uncomfortable about having the discussion in executive session, he made a statement about the process and said if we were technically talking about process it should be in open session. Schulz said Craig's response was vague.

"He was not as definitive in this meeting as he was in (his recounting)," Schulz said.

Schulz did not sign the sworn affidavit saying the board only discussed topics allowed in executive session, because she said she felt other topics were discussed.

Schulz did approve the minutes from the executive session at the Feb. 4 meeting, because she said they were accurate.