

MONTGOMERY COUNTY SUPERVISORS MINUTES
SPECIAL SESSION
October 16, 2009

The Montgomery County Board of Supervisors met in quorum, Friday, October 16, 2009, at 11:30 a.m. at the courthouse for a special session. The meeting was called to order by Chairman Bryant Amos. There was a roll call of members with Supervisors Amos, Glen Benskin, Karen Blue, Steve Ratcliff, and Donna Robinson present.

Motion to approve the agenda by Benskin, second by Ratcliff. Roll call: Yes: Amos, Benskin, Blue, Ratcliff, Robinson. No: None. Motion carried.

Minutes of the October 15, 2009 regular meeting were read and stand as read.

The Chairman called for public comments. There were no audience comments.

The Chairman moved to the item addressing the Durrant Contract termination. Jail Committee members Sheriff Joe Sampson, Chief Drue Powers, and Brad Wright. County Attorney Bruce Swanson was also present. Swanson stated that the Board had the right to terminate the contract under Section 5.4, because the company had substantially failed to meet the requirements as set out in the agreement. He said he would not know what the ramifications of the cancellation would be, however. They could take this to mediation, arbitration, or sue, it wasn't known at this time. He said we could certainly seek a lesser amount than the \$10,000 set in the contract.

Wright said that in the worst case scenario, we pay the \$10,000, but he was frustrated that he knew Durrant had spent time working on the analysis, but what they did work on wasn't worth anything.

Auditor Joni Ernst stated she had received the jail analysis spreadsheet from Ringgold County's study, and although the numbers were different, the two options presented to Ringgold County were the exact options presented to Montgomery County.

Powers stated he didn't have confidence in Durrant.

Ratcliff stated he had reservations about terminating Durrant, but after reviewing the minutes of the jail committee meeting, he had to agree that termination was warranted.

Robinson said she couldn't emphasize enough how important it was to get the best information possible for this project.

Motion by Robinson, second by Benskin to terminate the contract with Durrant. In discussion, the Chairman asked Swanson about notifying Durrant. Swanson said that Ernst could notify them by e-mail and certified mail noting Section 5.4 of the contract. Wright stated he wanted to pay as little as possible on the contract. Swanson said that would be determined after notification. Roll call: Yes: Benskin, Blue, Ratcliff, Robinson, Amos. No: None. Motion carried.

Wright said he appreciated the Board's support with this action.

Ratcliff mentioned that citizens had asked him if the Board was just going to continue paying money and start over again when we know what we need. Blue responded that we don't know what we need; we just have the perception of what we need.

Wright believed the Board and Committee should move ahead as quickly as possible. Robinson said she did inform State Jail Inspector Longley of the possible termination, and he stated as long as the Committee kept moving forward, he would work with them.

The Chairman requested that as the Jail Committee moves forward, they get costs all the way through the project with the next interviewees.

Next regular meeting is scheduled for Thursday, October 22, 2009 at 9:00 a.m.

Motion by Benskin, second by Ratcliff to adjourn. All in favor. Meeting adjourned at 11:53 a.m.

BRYANT AMOS, CHAIRMAN

ATTEST: JONI K. ERNST, AUDITOR