

# ***SPECIAL CALLED CIVIL SERVICE BOARD MEETING***

***APRIL 1, 2014***

A special called meeting of the Clayton County Civil Service Board was held on Tuesday, April 1, 2014, in the Commissioners' Board Room.

Members present:     Larry Bartlett, Chairman  
                          Troyce B. Lancaster, Vice-Chair  
                          Gbenga Osagie, Member  
                          J. Mark Trimble, Member

Member absent:     Lori Favre, Member

Also present:       Human Resources Director Renee Bright and various staff members; Civil Service Board Attorney Joe Harris; County Attorney Michelle Terry; Assistant Deputy Chief Shawn Southerland; Major Robert Sowell; Major Samuel Smith; Attorney Lansing Kimmey; Scott Smith; Khadidiatou M'Backe; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:16 a.m., and noted for the record that all Board members were present, except Lori Favre. Chairman Bartlett called for a motion to adopt the April 1<sup>st</sup> agenda. Mr. Trimble made a motion to adopt the agenda, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

1.     Calendar Call.

i.     *Khadidiatou M'Backe (Sheriff's Office)* – Termination Appeal

- a.     County - Attorney Terry was present and ready to proceed.
- b.     Appellant - Attorney Lansing Kimmey and Khadidiatou M'Backe were present and ready to proceed.

ii.    *Scott Smith (Sheriff's Office)* – Termination Appeal

- a.     County - Attorney Terry was present and ready to proceed.
- b.     Appellant – Attorney Kimmey and Scott Smith were present and ready to proceed.
- c.     Chairman Bartlett confirmed with Attorney Kimmey he had a court conflict for April 2, 2014.
- d.     Chairman Bartlett excused the *Smith* parties and asked them to return after lunch.

2.     Chairman Bartlett advised that all cases on the agenda were continued per the Board's policy and would be identified at tomorrow's meeting.

3. *Appeal* – Considered appeal that was filed on June 30, 2011, by Khadidiatou M’Backe, Sheriff’s Office, with regards to: Termination.
- a. Chairman Bartlett explained to all parties that there would be a 90-minute time allowance for the hearing. Neither side had any questions.
  - b. Attorney Lansing Kimmey requested sequestration.
  - c. Civil Service Board Attorney Joe Harris swore in all witnesses.
  - d. Attorney Terry presented the County’s opening statement. Attorney Kimmey presented the Appellant’s opening statement.
  - e. Attorney Terry called Lt. Keith McLaughlin to the witness stand. He stated his name, where employed, position, tenure and duties in Internal Affairs. Attorney Terry began questioning Lt. McLaughlin. Lt. McLaughlin responded in detail to all questions posed by Attorney Terry.
  - f. Attorney Kimmey cross-examined Lt. McLaughlin. Lt. McLaughlin responded in detail to all questions posed by Attorney Kimmey.
  - g. The Board did not have any questions for Lt. McLaughlin.
  - h. There being no further questions, the witness was released. Neither side had any objections.
  - i. Attorney Terry called Major Robert Sowell to the witness stand. He stated his name, position, and tenure as jail administrator. Attorney Terry began questioning Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Terry. Attorney Terry mentioned County Exhibit C-9 page 6.
  - j. Attorney Terry continued questioning Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Terry. Attorney Terry mentioned County Exhibit C-9 page 7.
  - k. Attorney Terry continued questioning Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Terry.
  - l. Attorney Kimmey cross-examined Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Kimmey.
  - m. The Board questioned Major Sowell. He responded in detail to all questions posed by the Board.
  - n. There being no further questions, the witness was not released. He was held as a rebuttal witness and was returned to sequestration.

- o. Vice-Chair Lancaster called for a short break, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- p. Chairman Bartlett called the meeting back to order.
- q. Attorney Terry called Assistant Deputy Chief Shawn Southerland to the witness stand. He stated his name, where employed, position, duties, tenure as Assistant Deputy Chief and tenure with the Sheriff's Office. Attorney Terry began questioning Assistant Chief Southerland. Assistant Chief Southerland responded in detail to all questions posed by Attorney Terry. Attorney Terry mentioned County Exhibits C-9 pages 1, 4, 14, C-6, C-7, C-8, C-10, and C-11.
- r. Attorney Terry continued questioning Assistant Chief Southerland. Assistant Chief Southerland responded in detail to all questions posed by Attorney Terry.
- s. Attorney Kimmey cross-examined Assistant Chief Shawn Southerland. Assistant Chief Southerland responded in detail to all questions posed by Attorney Kimmey.
- t. The Board questioned Assistant Chief Southerland. He responded in detail to all questions posed by the Board.
- u. There being no further questions, the witness stepped down from the witness stand.
- v. Attorney Terry stated the County had no further witnesses and tendered the following exhibits: County Exhibits C-6, C-7, C-8, C-9, C-10 and C-11. Attorney Kimmey did not have any objections.
- w. Attorney Kimmey called Khadidiatou M'Backe to the witness stand.
- x. Attorney Terry mentioned she saw Ms. M'Backe with papers as she approached the stand and wanted to see them. Attorney Kimmey stated she could see them if Ms. M'Backe uses them.
- y. Attorney Kimmey began questioning Ms. M'Backe. Ms. M'Backe responded in detail to all questions posed by Attorney Kimmey.
- z. Attorney Terry cross-examined Ms. M'Backe. M'Backe responded in detail to all questions posed by Attorney Terry. Attorney Kimmey objected to questions posed by Attorney Terry. Chairman Bartlett sustained all objections.
- aa. Attorney Terry continued the cross-examination of Ms. M'Backe. Ms. M'Backe responded in detail to all questions posed by Attorney Terry.
- bb. The Board questioned Ms. M'Backe. She responded in detail to all questions posed by the Board.

- cc. There being no further questions, the witness stepped down from the witness stand.
- dd. Attorney Kimmey stated the Appellant was his only witness and rested.
- ee. *Scott Smith (Sheriff's Office)* – Chairman Bartlett asked for a motion (concurrence) to release the Smith parties today. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- ff. Chairman Bartlett confirmed the Smith parties were released and would be notified by Human Resources of the new hearing date.
- gg. Chairman Bartlett called for a lunch break. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- hh. Chairman Bartlett called the meeting back to order.
- ii. Attorney Terry called Major Robert Sowell to the witness stand as a rebuttal witness. Attorney Terry began questioning Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Terry.
- jj. Attorney Kimmey asked additional questions to Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Kimmey.
- kk. The Board questioned Major Sowell. He responded in detail to all questions posed by the Board.
- ll. There being no further questions, the witness was released. Neither side had any objections.
- mm. Mr. Trimble advised Attorney Terry she had used 52 minutes and Attorney Kimmey he had used 57 minutes.
- nn. Chairman Bartlett called for a short break to all preparation for closing arguments. Mr. Trimble made a motion, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- oo. Chairman Bartlett called the meeting back to order.
- pp. Attorney Terry reserved the County's right to present closing arguments last.
- qq. Attorney Kimmey presented the Appellant's closing arguments. Attorney Terry presented the County's closing arguments.
- rr. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the appeal that was filed on June 30, 2011, by Khadidiatou M'Backe, Sheriff's

Office, with regards to: Termination. Mr. Trimble made a motion, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

- ss. Chairman Bartlett called the meeting back to order.
  - tt. Chairman Bartlett called for a motion regarding the appeal that was filed on June 30, 2011, by Khadidiatou M'Backe, Sheriff's Office, with regards to: Termination. Mr. Trimble made a motion that the decision be upheld, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
  - uu. *Scott Smith (Sheriff's Office)* – Chairman Bartlett advised the termination appeal was continued. Neither side had any questions for the Board.
  - vv. Chairman Bartlett addressed Ms. M'Backe and explained in detail that the Board was bound by a recent court decision on how it was allowed to vote.
4. Discussion items.
- a. There were no discussion items.
5. Other business.
- a. There were no other business items.

*Chairman Bartlett stated that all matters have been concluded and called for a motion to adjourn this meeting. Mr. Trimble made a motion to adjourn, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).*

*Meeting adjourned.*

  
LARRY BARTLETT  
CHAIRMAN

  
RENEE BRIGHT  
HUMAN RESOURCES DIRECTOR