

Minutes of the Davidson County Election Commission
Special Called Meeting
February 8, 2012

The Davidson County Election Commission (DCEC) met at 2:00 p.m. on February 8, 2012 in the Metro Office Building. Commissioners Lynn Greer, A J Starling, Patricia Heim, Steve Abernathy, and Eddie Bryan were present. DCEC staff members present included Administrator of Elections (AOE) Albert U. Tieche, Joan Nixon, Lionel Barrett, Tom Cunningham, Courtney Mott, Pat Novotny, Bill Hyden and Kelley Harrison. Nicki Eke of the Metropolitan Department of Law was also in attendance.

Chairman Lynn Greer convened the meeting.

Retaining legal counsel for Gates vs. DCEC: Chairman Greer informed the board that he, AOE Tieche and Lionel Barrett met with the Metropolitan Department of Law's litigation section which included Mike Safely, Saul Solomon, Jim Charles and Laura Fox regarding Gates vs. DCEC lawsuit. Janette Gates filed a lawsuit against Metropolitan Government of Nashville & Davidson County, DCEC, AOE Tieche and Commissioner Greer. The question is whether AOE Tieche and Commissioner Greer are being sued individually or in official capacity? The Metropolitan Department of Law suggested that DCEC, AOE Tieche and Commissioner Greer retain their own legal counsel and the Metropolitan Department of Law would pay for legal fees. Both AOE Tieche and Chairman Greer have retained legal counsel. Chairman Greer recommended the law firm of Miller & Martin with counselor, Melvin Malone and co-counselor, Kara Shea to represent the DCEC. Discussion ensued among the board. Commissioner Bryan made a motion to retain the law firm of Miller & Martin to present the DCEC. The motion was seconded by Commissioner Abernathy and it passed unanimously.

Discussion-possible need for Director's and Officer's Insurance for DCEC: It was suggested by Jim Charles of the Metropolitan Government of Nashville & Davidson County legal department that the DCEC purchase Director's & Officer's Liability Insurance. The insurance would cover any awarded damages by someone suing the Commissioners personally and would cover the hiring of your own attorney. If such insurance is to be purchased, it is subject to competitive bidding. Commissioner Heim suggested a meeting with the Risk Manager for the city of Nashville/Davidson County to hear from them about the coverages that are in effect. Discussion continued to ensue among the board. Chairman Greer recommended that Lionel Barrett follow up and continue getting information regarding said insurance policies.

Discussion-possible Capital Budget Request for FY 2013: Discussion from AOE Tieche ensued regarding a possible capital budget request separate from the regular budget for electronic poll books. There was a \$440,400 total surplus from the August 2011 election and the September 2011 Run-off election that cannot be converted to capital. The electronic poll book cost estimate is \$862,682. Commissioner Starling made a motion to ask for up to \$900,000 additional funding from the Mayor's office. The motion was seconded by Commissioner Abernathy and passed unanimously.

No further agenda items to be discussed, the meeting adjourned.