

Metropolitan Council Board of Ethical Conduct Minutes of Meeting

Thursday, October 31, 2017

The Council Board of Ethical Conduct held an adjourned special meeting on this date in Metropolitan Council Committee Room 2 of the Historic Courthouse in Nashville, Tennessee.

Members in attendance:

Sheri Weiner, Council Pro Tempore and Board Chair
Josiah Reid, Vice Chair
Mariah Cole, Board member
Diane Dilanni, Board member
Keith Frazier, Board member
Larry Patton, Board member

Saul Solomon, legal counsel
Kevin Klein, legal counsel
Elizabeth Waites, clerk

Call to order

The Chair called the meeting to order at 11:00 a.m.

Approval of Minutes of September 28, 2017

The Minutes of the last adjourned special meeting of the Board were unanimously approved upon motion properly seconded.

Announcement of Appeal Rights

The clerk announced that any appeal of final determination should be made in accordance with state law within 60 days, and that parties are encourage to consult independent counsel to confirm that procedures and deadlines are observed.

Mr. Frazier moved to amend and then to adopt the appeal rights. Ms. Cole seconded the Motion to amend, and Mr. Patton seconded the motion to adopt the appeal rights. The motions passed by unanimous voice vote of the Board.

Discussion of Pending Complaint

The Chair read into the record the full list of Respondents named within the Complaint, as filed.

Attorney Klein confirmed the legal analysis and recommendation to dismiss the Complaint against eighteen (18) of the Respondents due to improper forum and lack of jurisdiction. Counsel confirmed that the Board has discretion to call a hearing on the allegations as to Councilman Sledge.

Attorney Klein announced that the Complaint Mr. Sandhu filed with the Clerk differs from the Complaint reviewed by counsel. The filed Complaint contains 84 paragraphs containing substantive averments. Legal counsel was provided a copy from Mr. Sandhu's "Dropbox" which contains 106 paragraphs of substantive averments. Attorney Solomon advised that the omitted averments in the filed Complaint are cross-referenced in sections of the Complaint filed with the Clerk. Insofar as the Complainant is not prejudiced by counsel's review and analysis of additional allegations which are omitted in the "filed" Complaint, counsel advised that the Board may proceed with the legal analysis provided.

Mr. Frazier moved that 18 of the 19 named Respondents be dismissed for lack of jurisdiction. The motion was duly seconded, and the following individuals and entities were read into the record as incorporated within Mr. Frazier's motion to dismiss:

Metro Davidson County Procurement Office, Metro Davidson County Appeals Board, Jeff Gossage (Ex-Chief Procurement Officer), Talia Lomax-O'dneal (Director of Finance), Michelle Lane (Chief Procurement Officer), Richard Riebeling (Metro Davidson County Chief Operating Officer), Tommy Lynch, Doug Sloan (Planning Department), Zak Kelley (Department of Finance), Bryan Gleason (Procurement BAO), Macy Amos (Legal Department), Procurement Department and Appeals Board, Michele Donegan (Board Member of the Procurement Appeals Board), Monica Fawknoston (Board Member of the Procurement Appeals Board), Velvet Hunter (Board Member of the Procurement Appeals Board), Kim McDoniel (Board Member of the Procurement Appeals Board), Scott Potter (Board Member of the Procurement Appeals Board) and Judy Cantlon (Office of Minority & Women Business Assistance)

The motion passed unanimously by a voice vote of the Board, and the Complaint against the above-named individuals and governmental entities were and are hereby dismissed.

Remaining Respondent/Allegations

Ms. Dilanni moved to adopt the recommendations contained in the legal analysis with regard to Councilmember Colby Sledge. Mr. Reid moved that the recommendations with regard only to allegations which are relevant to Mr. Sledge should be heard by the Board. Mr. Frazier moved that the Board should proceed with a hearing on the legal recommendations solely with respect to alleged violations by said Respondent. Mr. Frazier's motion was seconded by Mr. Patton. The motion was adopted by a unanimous voice vote of the Board.

Setting Hearing on Complaint

A hearing was called on the Complaint allegations which pertain to Councilmember Colby Sledge. Said hearing was set to occur before the Board on December 11, 2017 at 2:00 p.m.

Adjournment

Mr. Frazier moved to adjourn, which was properly seconded and unanimously approved at 11:35 a.m.

ATTEST:

APPROVED:

/s/Elizabeth Waites
Metropolitan Clerk

/s/ Sheri Weiner
Chair of the Board