

Anderson County Legal Services Advisory Committee

Monday, May 5, 2025 10:00 a.m.

Anderson County Courthouse

Room 118A

Agenda

1. Call to Order
2. Public Comment
3. Approval of Minutes: DRAFT attached
4. Updates/Questions for Law Director Jamie Brooks
5. Legal Opinions—policy discussion
 - a. Request process/policy
 - b. Distribution process/policy
 - c. Confidentiality vs publicly shared opinions
 - d. Ethical considerations and how to address who is the client/when the Law Director becomes a witness
 - e. Other discussions relative to serving as counsel
6. Changes to the Private Act -worksheet attachment drafted by J. Brooks
7. Budget Committee referral- documents attached
8. New Business that needs to be placed on the next agenda
9. Adjourn

Anderson County Legal Services Advisory Committee

February 14, 9:00 a.m.
Anderson County Courthouse
Room 118A

Minutes

Present: Tim Shelton, Rex Lynch, Jeff Cole, Russell Barker, Johnny Alley, Tracy Wandell, Sabra Beauchamp, Josh Anderson, Terry Frank

Others present: Tyler Mayes, Phil Yager, Denise Palmer, Jamie Brooks, Nichole Brooks

1. Call to Order: Meeting was called to order at approximately 9:02 a.m.
2. Public Comment: None
3. Approval of Minutes
 - a. October 28, 2024 draft minutes attached
 - b. Meeting scheduled for November 7, 2024 was not called to order for lack of a quorum. Meeting Notes attached. Due to lack of quorum, approval of offer letter for J. Brooks was submitted directly to county commission.

Motion by S. Beauchamp, second by J. Anderson to approve minutes. Motion approved unanimously.
4. Updates/Questions for Law Director Jamie Brooks: Director Brooks updated the Committee on cases: Ogle case settled; 26 zoning cases; closed 3; opened 3; field requests for opinions; camera case for Sheriff's Department will need to be amended. Brooks stated no issues/concerns with the Operations Committee request to place Law Director report on Operations Agendas going forward.
5. Legal Opinions—policy discussion. No motions were made, but the following items were briefly discussed.
 - a. Request process/policy
 - b. Distribution process/policy
 - c. Confidentiality vs publicly shared opinions
 - d. Ethical considerations and how to address who is the client/when the Law Director becomes a witness
 - e. Other discussions relative to serving as counsel

6. Changes to the Private Act: discussion notes-highlight of comment/discussion areas: potential issues with Section 1—Rules of Professional Conduct-this area of the Private Act should be “cleaned up”, J. Brooks will work with General Clark on how to address conflict and understanding creation of this section; no term; accountability concerns with no term; Section 2—comment summary: Why have LSAC; Why have a “middleman”; oversight is critical; Favor the LSAC as it is; dislike the LSAC as it is. Majority discussion focused on the LSAC.
7. Unfinished Business: None
8. New Business that needs to be placed on the next agenda.
9. Adjourn: meeting adjourned at approximately 10:15 a.m.

Law Director's Office Budget Info

From Paul Richardson <prichardson@andersoncountyttn.gov>

Date Fri 5/2/2025 2:31 PM

To Terry Frank <tfrank@andersoncountyttn.gov>

 2 attachments (49 KB)

51400 Submitted Law Director Budget FY 25-26.xlsx; 51400 Law Director Payroll Tax Fringe Benefit Calc Sheet 2025-26.xlsx;

Mayor,

Robby requested I send these to you. I have the overall budget request from the Law Director, and the Payroll Tax and Fringe Benefits worksheet.

In the budget hearings the discussion was about the requested 5% salary increase for the employees and the reduction in the vacant assistant salary. Hiring another paraprofessional in place of an assistant was also discussed.

On the Payroll Tax and Fringe Benefit worksheet the "Master 4%" tab reflects the requested 5%, and the "Master 1200" tab reflects no change to the current budget.

Friday, May 2, 2025 at 2:44:15 PM Eastern Daylight Time

Subject: Fw: Legal Services Advisory Committee
Date: Friday, May 2, 2025 at 2:38:58 PM Eastern Daylight Time
From: Terry Frank <tfrank@andersoncountyttn.gov>
To: Llean Tupper <ltupper@andersoncountyttn.gov>
Attachments: Workshop notes.docx, Private Act Worksheet (002).docx, Outlook-spr5fhj0.png



Terry Frank
Anderson County Mayor
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Clinton, Tennessee 37716
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From: James Brooks <jbrooks@andersoncountyttn.gov>
Sent: Friday, May 2, 2025 10:04 AM
To: Commissioner Tracy Wandell <twandell@andersoncountyttn.gov>; Commissioner Sabra Beauchamp <sbeauchamp@andersoncountyttn.gov>; joshanderson1984@gmail.com <joshanderson1984@gmail.com>; Terry Frank <tfrank@andersoncountyttn.gov>; Jeff Cole <jcole@andersoncountyttn.gov>; Sally Darnell <sdarnell@andersoncountyttn.gov>; glongachd@comcast.net <glongachd@comcast.net>; John Alley <John.Alley@cot.tn.gov>; Regina Copeland <rcopeland@actrustee.com>; timshelton616@gmail.com <timshelton616@gmail.com>; rlynch@andersoncourts.org <rlynch@andersoncourts.org>; rbarker@tnacso.net <rbarker@tnacso.net>
Subject: Legal Services Advisory Committee

I have attached an outline of the Private Act with notes with notes from prior meetings incorporated into it. I hope this will help navigate through the Act on Monday.

Jamie

Law Director Private Act Worksheet

<u>Sect:</u>	<u>Current:</u>	<u>Proposed Changes:</u>
1.	<u>Title of Act</u>	<u>No need to change</u>
2.	<p>LD will meet with the committee . . . at regular intervals per committee determination.</p> <p>Committee – monitor, provide oversight, and assistance, evaluate concerns and monitor policy compliance.</p> <p>Develop job description and qualifications.</p> <p>Process for selection = 2/3 of committee required to recommend appointment. Majority of commission to appoint.</p>	<p>Terry's Workshop notes (copy attached): More frequent meeting with committee. Sabra = regular meetings Need for more updates.</p> <p>If oversight by a different committee (operations for example) then will this this committee continue meet with LD. Structure more commission & mayor, less committee involvement.</p> <p>Description TBD based on changes made to ACT.</p> <p>Any change is up to committee. In Terry's Workshop Notes the 2/3's requirement is described as untenable. Sabra recommends reappointment every 4 years with performance evaluations in between (Recommendations attached).</p>
3.	Full time. Consider language used for full time judges with respect to outside work. Generally prohibited with some exception for family legal matters.	
4.	Qualifications	Candidates must be in good standing with the Tn. Sup. Ct. and at least USDC for East TN at time of appt. Could allow up to six months for admission to the 6th Circuit and SCOTUS. Process is easy.
5.	Salary. Tied to GS CT Judge = 90%	Salary discussion in light of earned time vs. county Official.
6.	Oath. Required	

Law Director Private Act Worksheet

<p>7.</p>	<p>Duties.</p> <p>Represent & provide legal advice to:</p> <ul style="list-style-type: none"> a. County commission b. County officials elected & appt. c. Employees d. Duly appt Bd. Etc. <p>In matters relating to official work & duties.</p> <p>Represent County in all litigation. All insurance defense handled by outside counsel.</p> <p>We handle mainly Zoning and non-ACSO civil matters. I have the option to request outside help or assign matter to outside counsel if commission consents.</p> <p>Attend all meetings of Commission</p> <p>Act as county delinquent tax attorney, upon selection, w/o additional comp. I believe this was contemplated at the time the Act was put together. Revenue for county. I would like to handle the suit. But ultimately the decision is one for the Trustee and Mayor.</p> <p>Review contracts; draft deeds, leases or other legal docs.</p> <p>Provide legal opinions on matters requested by county officials. Do I share opinion with everyone if not requested by commission or a committee? I see protentional conflict and confidentiality issues.</p> <p>Render opinions on public finance.</p> <p>Draft policies, procedures and rules.</p> <p>Represent Mayor against fee petitions filed by fee offices. Conflict of interest flag is raised immediately.</p> <p>Monitor cases assigned to ins. counsel.</p>	<p>Terry's Workshop/Discussion Notes (copy attached) generally address possible changes including:</p> <p>Not helpful for LD to report to fees officials. Need to separate functions – Tim brought up I think.</p> <p>More executive sessions.</p> <p>Reduced staff w/o tax work.</p> <p>Contracts/ administration are important job duties.</p>
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Law Director Private Act Worksheet

	<p>Annual audit letter.</p> <p>General Counsel to Anderson County.</p>	<p>Comments regarding elected v appointed. Outsourcing to private attorney; analyze other counties regarding pros and cons of outsourcing. Outsourcing may mean loss of legal strategy. Favor having someone on call.</p>
8.- 10.	<p>Policies which should be left in place in my opinion.</p>	
11.	<p>Staffing. Oversight should remain as enacted. But, I would like to see the LD status fall in line with C & M and fee office heads as far as vacation, sick and personal days.</p>	<p>Salary discussion in light of earned time vs. county official. See Terry's notes attached.</p>
12- 13	<p>Provisions which should be kept in place in my opinion.</p>	
14	<p>Termination requires 2/3 vote of committee and commission</p>	<p>Sabra recommends a simple majority of commission to dismiss.</p>
15- 18	<p>Legalese no change needed except as to dates.</p>	

Workshop/Discussion Notes

A publicly noticed workshop/idea exchange was held on December 6, 2024 at 10:30 a.m. in Room 118A.

Attendees: Commissioners: Anthony Allen, Josh Anderson, Shain Vowell, Denise Palmer, Tyler Mayes, Sabra Beauchamp, and Phil Yager. Other attendees: Jamie Brooks, Nichole Brooks, Tim Shelton, Regina Copeland, Terry Frank, Rex Lynch.

Abbreviated topic notes:

A committee/the Legal Services Committee needs to meet more often; more updates are needed; more executive sessions; contracts and administration is important aspect of job duties; not helpful to have Law Director reporting to fee officials; need to separate functions; 2/3 vote not tenable; without delinquent tax work, less staff needed; more commissioners and mayor instead of existing committee structure; many comments about pitfalls of an elected position; discussion of outsourcing; analysis of counties that are doing outsourcing as an idea for committee in order to fully understand pros and cons; favor for having someone on call; outsourcing may mean loss of control of legal strategy; idea of standing committee to meet every month; performance reviews perhaps done by a committee; salary discussion in light of earned time vs county official. Commissioner Beauchamp had submitted her ideas in written format for the November LSAC meeting.

T. Frank

Things I would like to see changed in the Private Act for the Law Director Position

I would like more accountability and performance reviews conducted by Legal Services Committee

I would like to see changes made that maybe every 4 years in the odd years after an Election that Legal services committee meet to discuss to retain or replace the Law Director. The reasoning is newly elected officials may not be comfortable with the legal representation they receive. If legal services committee decides it is in the best interest of Anderson County Government to replace the law director, they would recommend that to county commission for a majority vote. I think this will hold more accountability to the position that the law director will know there is a possibility changes could be made if performance is not held to a higher standard.

I want to make sure legal services committee meets regularly.

I am not for out sourcing the position. I like that we have a law director on hand to advise us.

I am not for making this an elected position. I would like to keep politics out of our representation for Anderson County.

Sabra Beauchamp