

Madison County Board of Commissioners Closed Session December 8, 2015
General Account and Minutes

The Board went into closed session for the purpose to consult with County Attorney, Donny Laws, to preserve the attorney/client privilege between the Attorney and the Board.

Present at the commencement of the closed session were all members of the Board and County Attorney Laws. Given the absence of the Clerk to the Board, Chairman Brigman requested Attorney Laws to maintain the minutes.

A discussion occurred to follow up on the closed session meeting of November 30, 2015 wherein the Board had been advised by County Manager Gilliam that he had received information that personnel of the Sheriff's Department may have listened to private conversations on telephone lines in the County Manager/Finance Office telephone lines. Attorney Laws informed the Board that Mr. Gilliam, subsequent to November 30th, had spoken to Sheriff Harwood regarding the telephone calls, and Sheriff Harwood admitted to listening to a telephone call in June, 2015 on the county telephone system, between Chairman Brigman and Mr. Gilliam. Mr. Gilliam asked Sheriff Harwood if he had listened to any other calls and Sheriff Harwood specifically denied having listened to any other calls on the county telephone lines.

The Board then requested Mr. Gilliam to join the closed session, and he confirmed to the Board that Sheriff Harwood admitted to listening to a telephone conversation between himself and Chairman Brigman in June, 2015 and specifically denied knowing anything about any other telephone calls. Further Mr. Gilliam informed the Board that he had again spoken to Mrs. Rhinehart to verify her knowledge of any telephone calls which might have been inappropriately listened to by personnel of the Sheriff's department. She again confirmed her knowledge of a conversation which occurred in March, 2015 but denied that she had any further knowledge of any other calls.

The Board then requested that Mrs. Rhinehart join the meeting, and she confirmed that Sheriff Harwood told her that he had listened to a telephone conversation between Finance Office employee Kary Ledford and a third party on the county telephone system in March, 2015 and told her to keep the information that he passed to her regarding the telephone call a secret.

The Board then reviewed the information from the November 30, 2015 closed session, together with the new information presented as stated herein above in order to determine whether the Board should take any action regarding the information. Given the fact that the information contained allegations that personnel in the Sheriff's Department may have improperly listened to telephone conversations, the Board desired to proceed with caution.

After general discussion among the Board members regarding the allegations that were presented at the Board's November 30, 2015 meeting and the allegations presented above the Board reached a consensus that the information presented to them indicated that telephone conversations may have been improperly listened to. The Board discussed that the County Manager had made them aware of one telephone call which occurred in March, 2015 and might have been inappropriately listened to at that time and elected to take no action except to disable

the telephone system in light of the possibility that it was an isolated occurrence. However, in light of the new information which indicated that at least one other subsequent telephone call was also inappropriately listened to in June, 2015, the Board determined that the incident in March, 2015 may not have been an isolated event. Since their previous meeting on November 30, 2015 the Board had directed that the County Manager take steps to confirm the allegations which were presented at the November 30, 2015 meeting and the same were in fact confirmed. The Board also further discussed the Sheriff and Mrs. Rhinehart providing contradictory information regarding their knowledge of the events and telephone calls that might have been inappropriately listened to. Given the fact that the Board 1) does not have appropriate personnel to further, and adequately investigate the issue, 2) the serious nature of the allegations, and 3) contradictory information having been provided to the Board by the Sheriff and Mrs. Rhinehart, the Board unanimously authorized the County Attorney to refer the matter to the District Attorney's office for further investigation.

Attorney Laws recommended that pending the results of the investigation, that this matter be held in confidence by all parties present.