

November 30, 2015  
Special Meeting  
Closed Session Minutes

Present: Chairman Wayne Brigman, Vice Chairman Clayton Rice, Commissioner Bill Briggs, Commissioner Matthew Weethel, County Manager Forrest Gilliam.

The Board and County Manager discussed qualifications of candidates under consideration for vacant positions in the Department of Community Services.

After the Board finished discussing personnel matters, County Attorney Donny Laws was called and joined the meeting by phone to discuss matters of attorney-client privilege.

Mr. Gilliam informed the Board of information he had received that employees at the Sheriff's Department may have listened to private telephone conversations that took place on telephones in the Finance/County Manager's Office.

In March of 2015, Mr. Gilliam was told by Finance Officer Darlyne Rhinehart that Sheriff Buddy Harwood had told her that Chief Deputy Michael Garrison had accidentally listened to a recorded phone conversation between Kary Ledford, Deputy Finance Officer, and another party. The Sheriff told Ms. Rhinehart that the call had been heard while the Chief Deputy was going through recorded inmate calls for the feds. Mr. Harwood asked Ms. Rhinehart not to share information about the call being heard or its contents, because Mr. Garrison had told him about the conversation in confidence. Since the subject of the conversation was evidently office gossip, Mr. Gilliam believed at the time that the request from Mr. Harwood to Ms. Rhinehart for secrecy came from a desire to protect the source of any such gossip.

Prior to becoming County Manager in December of 2014, Mr. Gilliam had heard a speculative rumor that the former County Manager was recording phone calls on the new office phone system. After becoming County Manager, Mr. Gilliam inquired about the matter with the County's IT Director, who looked into it and informed Mr. Gilliam that the phones did not record calls. Having heard of a specific conversation in March, Mr. Gilliam again contacted the IT Director, who did additional research and discovered that a separate call recording software program was connected to the phone system when the new jail opened in 2012. The system was intended to record lines at the jail, but the software had automatically picked up the lines at the Finance/County Manager's Office when the system was expanded to that office in the fall of 2014. The IT Director had been unaware of the recording software when previously asked about the issue in December. Mr. Gilliam instructed the IT Director to block the recording of all Finance/County Manager lines, and that if such blocking was not possible, to install a new phone system. The IT Director was able to block all Finance/County Manager lines from being recorded at the end of March. Because he believed the recorded phone call was an isolated incident, and that the conversation was listened to accidentally, Mr. Gilliam did not take any additional action once he was assured that calls were no longer being recorded.

In July, Chief Deputy Michael Garrison emailed Mr. Gilliam regarding the recording of phone lines at the jail and on county land lines. In a follow-up phone conversation to Mr. Garrison's email, Mr. Gilliam informed Mr. Garrison that he had become aware of the recording of Finance/County Manager lines when he heard of a specific conversation being listened to in March, and had blocked those lines from being recorded at that time. Mr. Garrison had

additional questions about what steps the Sheriff's Department would need to take in order to comply with legal requirements for recording lines at the jail. Mr. Gilliam spoke with Donny Laws, County Attorney, regarding legal issues for the Sheriff's Department to consider when recording lines at the jail. A follow-up meeting was scheduled at the jail with Mr. Gilliam, Mr. Garrison, and Phillip Presnell, IT Director, to discuss the phone system. When Mr. Gilliam and Mr. Presnell arrived for the meeting, Mr. Garrison was not available. Believing the issue of recorded lines in his office had been resolved and that the meeting was to assist the Sheriff's Department with compliance for their department, Mr. Gilliam waited for Mr. Garrison to reschedule the meeting.

In November, Mr. Gilliam received a tip from an individual who had heard that Sheriff Harwood had listened to a phone conversation between Mr. Gilliam and Wayne Brigman, Chairman of the Board of Commissioners. A separate person shared the same information with Mr. Gilliam a few days later. Being concerned that a second call had potentially been listened to, and that it had possibly been listened to after he had blocked the recording of phone lines in the Finance/County Manager Office, Mr. Gilliam felt it was important to alert the County Attorney regarding any potential legal ramifications as well as the Board of Commissioners in order to get approval for the purchase of an independent telephone system.

Questions and discussion took place about the timeline as well as legal ramifications moving forward. Mr. Laws stated that it was important to confirm, if possible, the truth of any information that Mr. Gilliam had been provided. Such confirmation would determine whether additional investigation would be necessary, much of which would be beyond the expertise of county employees.

There was additional discussion among the Board about potential next steps. Mr. Gilliam suggested that an independent telephone system be installed to serve the finance and county manager's offices and that word be sent to the Sheriff that the County was aware that phone calls had been listened to. There was consensus that this step be taken and no resolution regarding additional steps.